

**A Chaotic State of Affairs?: the permissive system of local  
government in rural Tasmania 1840-1907**

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## **Abstract**

This thesis examines local government in Tasmania between 1840 and 1907. It is primarily concerned with the establishment of the so-called 'permissive' system of local government, its evolution during the colonial period, and why it was eventually replaced by a system of comprehensive municipal government in 1907. The thesis pays particular attention to the relationship between the central government and local bodies, and argues that there was a significant shift in this relationship during the history of the permissive system. When Tasmania was granted responsible self-government in the 1850s, public opinion was decidedly in favour of promoting decentralization, and a flourishing system of local government was considered vital to ensure its success. Bills were soon passed allowing settlers to establish rural municipalities and road trusts to handle local affairs, and generous financial aid was supplied to help fledgling local bodies onto their feet. During the 1860s and 1870s, with continuing financial constraints limiting its activity, the central government was content to encourage the spread of local institutions into regions of the colony that were steadily increasing in population and wealth.

The 1870s, however, saw the first murmurs of discontent appear about the local bodies' poor handling of road maintenance, management of police, and lack of public works. Pressure was put on the central government to improve their performance. Subsequently, three reforms were enacted to improve the effectiveness of local bodies — franchise liberalization, local financial responsibility, and greater scrutiny of the actions of local bodies by government departments. There was a shift in emphasis, therefore, in the 1880s away from just encouraging the spread of local institutions to a focus on outcomes.

This shift in emphasis would have a significant consequence for local government in the colony. The recession of the early 1890s, coupled with the reductions in government aid at the same time, revealed the weaknesses and flaws of the existing system. By Federation the permissive system of local government was under severe strain. The central government, unwilling and financially unable to take over the responsibilities of the existing local bodies, instead sought to rectify a major problem of the permissive system — the existence of a large number of small bodies with limited finances. The solution arrived at was to vest all local duties in the largest local body of the island — the municipal council. As there were only nineteen municipalities in rural Tasmania, existing in the corridor of flat plains between Hobart and Launceston, extra responsibilities for municipal councils meant that they had to be established throughout the island. The permissive system, in other words, had to give way to comprehensive municipal government.

To present this argument, the thesis has been broken into three sections, with each section dealing with one broad question concerning the evolution of local government in the colonial period. The first section, consisting of two chapters, examines why the permissive system of local government was introduced into Tasmania and what was expected of it. The second section of the thesis will then deal with how the permissive system actually worked and evolved during its long history. This section is divided into four chapters, each dealing with the most important local bodies of the permissive system, such as rural municipalities, road trusts, fruit boards, rabbit boards and town boards. The third section containing the final two chapters deals with the issue of why



the permissive system was abolished and replaced by comprehensive municipal government.

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George Orwell once noted that ‘writing a book is a horrible, exhausting struggle, like a long bout of some painful illness’. Special thanks to those who helped me through this particular illness include my supervisor Stefan Petrow for his encouragement, suggestions and proof-reading of drafts; Michael Roe for his comments on the final draft; the University of Tasmania for providing a scholarship enabling me to carry out research for three years; the Local Government Association of Tasmania for its initial support of the project; Roger Wettenhall for his early advice on what avenues of inquiry to pursue; and finally to my mum, dad, sister and friends for their constant encouragement and support.

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## Abbreviations

AJPA	<i>Australian Journal of Public Administration</i>
AJPH	<i>Australian Journal of Politics and History</i>
AOT	Archives Office of Tasmania
CC	<i>Cornwall Chronicle</i>
Col.	<i>The Colonist</i>
CSD	Colonial Secretary Department
CSO	Colonial Secretary Office
CT	<i>Colonial Times</i>
DT	<i>Daily Telegraph</i>
HTA	<i>Hobart Town Advertiser</i>
HTC	<i>Hobart Town Courier</i>
HTG	<i>Hobart Town Gazette</i>
HRA	<i>Historical Records of Australia</i>
JPPP(Tas.)	<i>Tasmania: Journal and Printed Papers of Parliament</i>
JRAHS	<i>Journal of Royal Australia Historical Society</i>
LSD	Land and Surveys Department
MLS	<i>Mount Lyell Standard</i>
NWA	<i>North West Advocate</i>
NWC	<i>North West Chronicle</i>
NWP	<i>North West Post</i>
PA	<i>Public Administration (Sydney)</i>
PD	Premiers Department

PWD	Public Works Department
SMH	<i>Sydney Morning Herald</i>
TC	<i>True Colonist</i>
THRAPP	<i>Tasmanian Historical Research Association Papers and Proceedings</i>
WT	<i>Wellington Times</i>
ZDH	<i>Zeehan and Dundas Herald</i>



## Introduction

In his pioneer work, *A History of Local Government in Tasmania*, published in the late 1950s, K. R. Von Stieglitz lamented that in Tasmania ‘unfortunately the study of local government is often neglected, even by those taking part in it’.<sup>1</sup> In subsequent major works of Tasmanian history the evolution, role and influence of local government is noticeably absent. Both W. A. Townsley and Lloyd Robson’s history of the State devote only a few paragraphs to the subject.<sup>2</sup> Even the recently published *Companion to Tasmanian History* contains just a brief nine paragraph summary of the more than 150 year history of local government in the island.<sup>3</sup> Such scant attention raises the issue of whether this neglect has been warranted. Just how important has local government been in Tasmanian history, and has it played an essential, peripheral or negligible role in the State’s development?

This thesis will seek to answer that question by examining local government in Tasmania in the period between 1840 and 1907. In 1840 Lieutenant-Governor John Franklin passed a *Road Act* establishing the first local institutions in the colony. The failure of this Act, coupled with the dismal early experience of other local institutions formed in Hobart and elsewhere on the mainland colonies during the 1840s, led to the establishment of the so-called ‘permissive’ system of local government in the 1850s. The permissive system was in place for the next fifty years in the colony, creating various

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<sup>1</sup> K. R. Von Stieglitz, *A History of Local Government in Tasmania: from the earliest settlement of Van Diemen’s Land to the present times*, (Hobart 1958) p. 6.

<sup>2</sup> W. A. Townsley, *Tasmania: from colony to Statehood, 1803-1945*, (Hobart 1991) p306, 382, 394-5; L. L. Robson, *A History of Tasmania*, (Melbourne 1983) Vol. II, p. 309-10, 527, 579.

<sup>3</sup> M. Scott, ‘Local Government’, in A. Alexander (ed.), *The Companion to Tasmanian History*, (Hobart 2005) p. 219-20.

local institutions to deal with specific problems. Some of these local bodies included rural municipalities, road trusts, town boards, rabbit trusts and fruit boards, whose activities form the focus of this thesis. The total number of local bodies comprising the permissive system was estimated in 1902 to be more than 350. This prompted the then Premier N. E. Lewis to label local government in Tasmania as a 'somewhat chaotic state of affairs'.<sup>4</sup> In 1906, after several attempts by reformers over a number of years to enact change, the permissive system was replaced by comprehensive municipal government. In 1907 a commission toured the State drafting boundaries for the new municipalities.

Local government has been defined simply as 'the administration of those matters which concern only the inhabitants of a particular district or place, and which do not directly affect the nation at large'.<sup>5</sup> A. H. Marshall, however, stresses that the term 'local government' refers to three essential characteristics: 'the operation in a restricted geographical area within a nation or state; local election or selection; and the enjoyment of a measure of autonomy, including the power of taxation'.<sup>6</sup> The existence of the last two characteristics — the ability to elect local representatives and exercise some degree of autonomy from the central government — is what separates local government from local administration, that is, control from local arms of a greater government bureaucracy.<sup>7</sup>

Therefore, in terms of nineteenth-century local government in Tasmania, this thesis will focus predominantly on those bodies with some independence from the central

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<sup>4</sup> *Mercury*, 17 July 1902.

<sup>5</sup> M. D. Chalmers, *Local Government*, (London 1888) pp. 1-2.

<sup>6</sup> A. H. Marshall, *Local Government in the Modern World*, (London 1965) p. 5.

<sup>7</sup> O. A. Hartley, 'The Functions of Local Government – A Study in Theory and Practice', *Local Government Studies*, 4 (4), 1973 p. 27.

government, such as road trusts and rural municipalities. Ignored will be local authorities whose members were appointed by the government, and whose funding came from general revenue or grants-in-aid rather than rates, such as public recreation trusts and cemetery trusts. The only exception to this approach will be the main road boards, created after 1880, whose history was closely intertwined with the road trust system. Marine Boards have also been excluded. These bodies, while independent from the government, were not affected by the *Local Government Act* 1906.<sup>8</sup> It also has to be briefly noted, though it has little real consequence, that the term 'local government' was often used during the convict period to refer to the penal administration. 'Local self-government' was the term used instead to refer to local institutions.

It has frequently been observed that local government is the poor relation in the Australian three-tier system of government.<sup>9</sup> The reason for such a disparaging attitude towards local government in this country has been attributed to geography<sup>10</sup> and culture,<sup>11</sup> but has not been helped by scholars seeing local government as an uninspiring or

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<sup>8</sup> See H. R. Clarke, 'Administrative Aspects of the Tasmanian Marine Board System (Dip. Pub. Admin. Thesis, University of Tasmania 1967); K. Pink, *Against the Tide: a maritime history of Circular Head* (Hobart 1998); M. Bennett, *The Quiet Achievers: the history of the port of Devonport* (Launceston 1995); R. A. Ferrall, *The Story of the Port of Launceston* (Launceston 1983); L. S. Bethell, *The Story of Port Dalrymple: life and work in Northern Tasmania*, (Hobart 1980); C. C. MacKnight, *Low Head to Launceston: the earliest reports of Port Dalrymple and the Tamar* (Launceston 1998); A. Hudspeth, *Capital Port: a history of the marine board of Hobart 1858-1997*, (Hobart 2000); P. G. Mercer, *Gateway to Progress: centenary history of the marine board of Burnie* (Burnie 1969); B. Dyster, 'The Port of Launceston Before 1851', *The Great Circle: Journal of the Australian Association for Maritime History*, 3(2), 1981, pp. 103-124; W. Shipp, 'Early History of the Port of Launceston', *Launceston Historical Society Papers and Proceedings*, 1, 1989, pp. 59-69; A. Rowntree, 'Early Growth of the Port of Hobart', *Tasmanian Historical Research Association Papers and Proceedings* (THRAPP), 3(6), 1954, pp. 92-101.

<sup>9</sup> J. Robbins, 'Localism and Local Government in South Australia', *Politics*, 13(1) 1978 p. 81.

<sup>10</sup> For instance, W. K. Hancock, *Australia*, (New York, 1931) pp. 69-70.

<sup>11</sup> R. N. Spann, *Public Administration in Australia*, 3<sup>rd</sup> edition, (Sydney 1973) p. 221.

unimportant field of study.<sup>12</sup> Early Australian historians were dismissive of the role local government played in the settlement and development of the country,<sup>13</sup> seeing it merely as subordinate to the central government of each State.<sup>14</sup> In 1960 the political scientist Ruth Atkins thought the chief feature of local government development in Australia had been 'the attempt of higher government authorities first to persuade and then to require local groups to accept financial and administrative responsibility for certain tasks'.<sup>15</sup>

Since the 1970s greater research has been conducted into the municipal history of Australia. It has revealed different trends in the development of local institutions around the country, and greater complexity in the relationship between State and local government and the role of municipal institutions in fostering the settlement of Australia.<sup>16</sup> Subsequently, the history of local government to the early twentieth century has been separated into three broad phases, all occurring at different times in the history of each Australian State.<sup>17</sup> The first phase corresponds to the period before responsible

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<sup>12</sup> C. Aulich, 'From Convergence to Divergence: reforming Australian local government', *Australian Journal of Public Administration* (AJPA), 58 (3) 1999 p.12; see also I. Gray, *Politics in Place: social power relations in an Australian country town*, (Cambridge 1991) p.44; and Robbins 'Localism' p. 81.

<sup>13</sup> see G. Greenwood (ed.), *Australia: a social and political history*, (Sydney 1955) p. 245; M. Barnard, *A History of Australia*, (Sydney, 1962) p. 436; J. D. B. Miller, *Australian Government and Politics: an introductory survey*, (London 1964) p. 198; J. D. B. Miller, *Australia*, (London 1966) pp.109-10; O. H. K Spate, *Australia*, (London 1968) pp.105-106; M. R. Rawlinson, 'Administering Local Government Reform in Australia: the state experience', in R. Wettenhall and M. Painter (ed.) *The First Thousand Days of Labor*, Vol. 2 Australasian Political Studies Association Conference (Canberra 1975) p. 68.

<sup>14</sup> See S. R. Davis and C. A. Hughes, 'The Literature of Australian Government and Politics', *Australian Journal of Politics and History* (AJPH) 4(1) 1958 pp.124-125.

<sup>15</sup> R. N. Spann, *Public Administration in Australia*, (Sydney 1960) p. 157; for a different view see J. M. Power, 'The Discipline of Public Administration and the Study of Local Government', *A JPA*, 39 (3/4) 1980 pp. 352-358; Atkins later repudiated this view R. Atkins, *Albany to Zeehan: a new look at local government*, (Sydney 1979) Chapter 3.

<sup>16</sup> See especially, J. Power, R. Wettenhall, and J. Halligan (ed.), *Local Government Systems of Australia*, (Canberra 1981); also M. Rawlinson, 'A Defence of Local Government', in R. Lucy (ed.) *The Pieces of Politics*, (South Melbourne 1975) pp. 476-486.

<sup>17</sup> Power, Wettenhall, and Halligan (ed.), *Local Government Systems of Australia*, p. 7.

self-government was granted to the colonies. It includes the first tentative steps of British authorities to transfer responsibility and cost of some local projects onto local residents.<sup>18</sup>

In New South Wales it resulted in the *Parish Roads Act* 1840, enabling trustees to levy a rate to maintain local roads, and the *District Councils Act* 1842, creating councils able to raise rates to fulfil a number of duties including maintaining roads, bridges, public buildings and schools. In Victoria, municipal councils were established in Melbourne in 1842 and Geelong in 1849. In South Australia, a municipal corporation of Adelaide was created in 1840, and the *District Council Act* 1852 enabled councils to be created to look after roads and conduct other duties. In Western Australia, the Perth Town Trust was established in 1838, and other legislation passed to enable trustees in outlying areas to manage roads. In Tasmania, roads districts and municipal councils at Hobart and Launceston were established from the late 1840s. Several historians have noted that these early institutions had mixed histories, shunned often by local residents, and most were either ineffectual or eventually disbanded.<sup>19</sup>

The second phase occurred after responsible government was granted to each colony. Municipal institutions were considered essential in any system of responsible government, but, reflecting on the troubled history of local bodies in the 1840s, authorities realized local institutions could not be forced on a population unable or

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<sup>18</sup> *ibid.*, p. 9-10.

<sup>19</sup> Spann, *Public Administration*, p. 162; for more on the early roots of municipal institutions in Australia see M. Jones, *Managing Local Government: leadership for the twenty-first century*, (Melbourne 1989) pp. 47-55; K. Grose, 'Sir George Gipps and Municipal Institutions in New South Wales', *Journal of Royal Australia Historical Society* (JRAHS), 51 (2) 1965 pp. 148-152; F. A. Bland, 'City Government by Commission – an Historical Account of the First Experiment in the Government of Sydney by a Commission 1854-57', *JRAHS*, 14(3), 1928, pp. 117-198.; and a series of articles by A. W. Grieg under the title 'Local Government in Early Australia' in *Australian Municipal Journal*, Sept. 1970 pp. 106-7; Oct. 1970 pp. 132-36; Nov. 1970 pp. 171-2; Dec. 1970-Jan. 1971 pp. 189-191; Feb. 1971 pp. 235-239; and Mar. 1971 pp. 272-4.

unwilling to support them. Instead, colonial governments relied upon the voluntary formation of municipal government. This phase has therefore been dubbed the 'permissive' stage of Australian local government history.<sup>20</sup>

Soon after responsible government was granted to the colonies,<sup>21</sup> bills were passed by the new legislatures enabling residents to establish municipal councils if they desired.<sup>22</sup> In some colonies, such as Victoria and South Australia, municipal institutions were readily embraced by settlers, and soon most of the colony was under municipal government. In other colonies, such as New South Wales and Tasmania, municipalisation was carried out in a more incremental manner and large parts of settled lands remain unincorporated.<sup>23</sup>

Complementing the municipal councils, the permissive stage also saw the emergence of various *ad-hoc* local authorities to deal with certain problems. Because settlement and economic development was uneven across most Australian colonies, it was found convenient to create local bodies to suit particular localities and circumstances, or to deal with works and services requiring expert knowledge or vested interests. Most colonies, for instance, made a distinction between rural and urban areas, and created local authorities with varied powers to deal with the different needs of these areas. Some colonies also deemed the provision of road maintenance, local public works, water supply, sewerage and drainage or pest control a task best left to those who had a vested interest in ensuring these services were carried out in a most efficient and effective

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<sup>20</sup> Power, Wettenhall, and Halligan (ed.), *Local Government Systems of Australia*, p. 10-12.

<sup>21</sup> New South Wales, Victoria and Tasmania in 1856, South Australia 1857 and Queensland 1860.

<sup>22</sup> [New South Wales] *Municipalities Act* 1858; [Victoria] *Municipal Institutions Act* 1854; [South Australia] *District Councils Act* 1858; [Queensland] *Municipal Institutions Act* 1864; [Tasmania] *Rural Municipalities Act* 1858.

<sup>23</sup> Power, Wettenhall, and Halligan (ed.), *Local Government Systems of Australia*, p. 12.

manner. These responsibilities were vested in small boards or trusts, sometimes co-existing alongside larger municipalities carrying out more general duties. A key feature then of the permissive stage was that it often resulted in an enormous number of local authorities carrying out the work of local government.

As the nineteenth century drew to a close it became intolerable to have such a large number of local bodies carrying out local works and services, so the third phase of Australian local government history begun. This was the move by colonial governments for the mandatory incorporation of existing local authorities into one broad comprehensive scheme of local government.<sup>24</sup> This aimed to ensure more efficient local administration and involved abolishing all the *ad-hoc* bodies created under the permissive system. All local duties were transferred to municipal councils, which were established throughout each of the Australian colonies. Acts establishing comprehensive municipal systems of government were passed by Victoria in 1874, Queensland in 1878, South Australia in 1880, Western Australia in 1895, and New South Wales and Tasmania in 1906.<sup>25</sup> In some colonies, such as Victoria and South Australia, where municipalisation had been extensive throughout the permissive stage, the process of comprehensive municipal reform was relatively painless. Existing municipal districts were consolidated and the remaining unincorporated districts given municipal councils. In other colonies, such as New South Wales and Tasmania, where municipalisation had not been so extensive during permissive era, the process was more difficult.

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<sup>24</sup> *ibid.*, p. 12-14.

<sup>25</sup> [Victoria] *Local Government Act* 1874; [Queensland] *Local Government Act* 1878; [South Australia] *Municipal Corporations Act* 1880; [Western Australia] *Municipal Institutions Act* 1895; [New South Wales] *Local Government Act* 1906; [Tasmania] *Local Government Act* 1906.

The focus of this thesis is on that transition in Tasmania from the permissive stage to comprehensive municipal government. There exists some literature on this transition in the mainland colonies.<sup>26</sup> Some examples include F. A. Larcombe's impressive three volume study of local government in New South Wales;<sup>27</sup> H. E. Maiden's work on the same subject;<sup>28</sup> Alan Davies *Local Government in Victoria*;<sup>29</sup> Bernard Barrett's *The Civic Frontier: the origin of local communities and local government in Victoria*;<sup>30</sup> C. P. Harris *Local Government and Regionalism in Queensland 1859 to 1977*;<sup>31</sup> and finally, R.H. Robinson's *For My Country: a factual and historical outline of local government in Queensland*.<sup>32</sup> Larcombe's study aside, however, the secondary material is often far from

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<sup>26</sup> See F. A. Jenkins, 'Local Government in Australia – Victoria', *Public Administration PA (Sydney)*, 5(5), 1944, pp. 211-17; A. F. Davies, 'Local Government in Melbourne', *PA (Sydney)*, 14, 1955, pp. 65-84; A. G. L. Shaw, *A History of the Port Phillip District: Victoria before separation*, (Carlton 1996) Chapter 9; G. Greenwood (ed.) *Brisbane 1859-1959: a history of local government* (Brisbane 1959); C. E. Chuter, 'Local Government in Australia – Queensland', *PA (Sydney)*, 5(5), 1944, pp. 231-35; R. Fitzgerald, *A History of Queensland: from dreaming to 1915*, (St. Lucia, 1986) Part II, Chapter 6; J. R. H. Johns, 'The Development of Local Government in Western Australia', *PA (Sydney)*, 8(4), 1949, pp. 172-9; M. Tauman, 'Local Government in Australia – Western Australia', *PA (Sydney)*, 5(5), 1944, pp. 224-30; M. Wood, L. F. O'Meara, D. Berry, 'Some Aspects of State-Local Government Relationships in Western Australia', *Australasian Political Studies Association Conference*, 20(3), 1978, pp. 626-50; C. T. Stannage, *A New History of Western Australia* (Nedlands 1981) Chapter 6 & 9; V. S. Sheppard, 'Local Government in South Australia', *PA (Sydney)*, 2(2), 1940, pp. 76-85; 'Local Government in Australia – South Australia', *PA (Sydney)*, 5(5), 1944, pp. 219-223; E. H. Selby, 'Local Government in New South Wales', *PA (Sydney)*, 2(3), 1940, pp. 159-66; E. Jenks, *The Government of Victoria (Australia)*, (London 1891) pp. 87-92, 168-173, 325-337; L. Blair, 'Local Government in South Australia', in R. J. Best (ed.), *Introducing South Australia*, (Carlton 1958) pp. 261-66; J. R. Robbins, 'An Outline of South Australian Local Government' in D. Jaensch (ed.), *The Flinders History of South Australia: political history* (Netley 1986) pp. 394-98; J. D. Woods, *The Province of South Australia, with a sketch of the Northern Territory*, (Adelaide 1894) pp. 368-372; C. A. Bernays, *Queensland During Sixty (1859-1919) Years*, (Brisbane 1919) pp. 384-408; A. B. Cox, *Local Government in South Australia* (Adelaide 1965); A. A. Morrison, *Local Government in Queensland* (Brisbane 1951)

<sup>27</sup> F. A. Larcombe, *The Origin of Local Government in New South Wales 1831-58* (Sydney 1973); *The Stabilisation of Local Government in New South Wales 1858-1906* (Sydney 1976); *The Advancement of Local Government in New South Wales 1906 to the present* (Sydney 1978).

<sup>28</sup> H. E. Maiden, *The History of Local Government in New South Wales*, (Sydney 1966).

<sup>29</sup> A. Davies, *Local Government in Victoria*, (Melbourne 1951).

<sup>30</sup> B. Barrett, *The Civic Frontier: the origin of local communities and local government in Victoria*, (Carlton 1979).

<sup>31</sup> C. P. Harris, *Local Government and Regionalism in Queensland 1859 to 1977*, (Canberra 1978).

<sup>32</sup> R. H. Robinson, *For My Country: a factual and historical outline of local government in Queensland* (Brisbane 1957).



providing a thorough and intellectually rigorous account of local government during the period.

Sadly, little of any great depth has been previously written on Tasmanian local government history as well. K. R. Von Stieglitz's *A History of Local Government in Tasmania* provides a basic if inadequate outline of the development of local authorities during the colonial period.<sup>33</sup> In the absence of a strong, clear narrative his account is confusing and provides no real answers to why local government in the State evolved as it did. Similar criticism can be levelled at the theses on the history of Tasmanian administration written by W. D. Kavanagh and F. E. R. Gilbert.<sup>34</sup> Both list some of the important provisions of the various Acts pertaining to local government during the period, but do not go into any great detail about how local government actually operated in practice. The remaining works of Tasmanian local government history can be split into roughly four groups.

The first is those works that have focused on the establishment and evolution of the urban municipal councils of Hobart and Launceston.<sup>35</sup> The second group contains those works of political science or administration that have examined a particular problem confronting one council and the best means of solving it.<sup>36</sup> The third group consists of

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<sup>33</sup> Von Stieglitz, *A History of Local Government in Tasmania*, Chapters 3 & 4.

<sup>34</sup> W. D. Kavanagh, 'The Administration of Tasmania: its origins, development and future direction', (M.Soc.Sc Thesis, University of Tasmania 1987); F. E. R. Gilbert, 'The Transition and Transformation of Local Government in Tasmania', (Dip. Public Admin, Thesis, University of Tasmania, 1959).

<sup>35</sup> M. Roe, 'The Establishment of Local self-government in Hobart and Launceston, 1845-1858', *THRAPP*, 14,(1) 1966 pp. 21-45; see also S. Petrow, 'Painful Birth: municipal government in Hobart Town 1845-1857', *THRAPP*, 49, 2002, pp. 203-24; *Sanatorium of the South? Public Health and Politics in Hobart and Launceston 1875-1914* (Sandy Bay 1995); 'Municipal Heaven: Launceston 1853-1914', *Launceston Historical Society Papers and Proceedings*, 15, 2003, pp. 16-25.

<sup>36</sup> Such as C. H. Finch, 'Investment in Local Government Roads in Tasmania' (M.Trans.Ec Thesis University of Tasmania 1986); R. J. Purves, 'Financial Assistance by the State Government to Municipalities incorporated under the Local Government Act 1906', (Dip. Pub. Admin Thesis, University of Tasmania 1959); M. S. Jaskolski, 'Local Governance and Sustainability: a Tasmanian case study', (BA.

those works that have merged the feats of local government into a more general local history.<sup>37</sup> In some cases, these local histories just give details of the first municipal council meeting held in the area, list some of the more prominent councillors of the period, and mention a few of the achievements of the municipal council itself.<sup>38</sup> In other cases, they go into greater detail about the work carried out by municipal councils during the colonial period; but they are still focused only on the experience of one municipality and are often far from critical about their subject.<sup>39</sup>

Finally, there are those works that have examined local government reform in Tasmania, a contentious and vexed issue that has dominated much of the State's local government history. V. G. William explored the politics and process behind the passing of the *Local Government Act* 1906,<sup>40</sup> Grant Rootes examined municipal reform between

Hons Thesis, University of Tasmania 2001); G. I. Stabb, 'Local Government By Commission: with special reference to Clarence and Kingsborough municipalities', (Dip. Pub. Admin. Thesis, University of Tasmania 1965); G. Piggott, 'Local Government Financial Reports: are they useful to users?', (B. Comm (Hons) Thesis, University of Tasmania 1998); W. K. Sutton, 'Local Government in the Southern Metropolitan Area (Tasmania)', (Dip. Pub. Admin. Thesis, University of Tasmania 1961).

<sup>37</sup> For example, A. Alexander, *The Eastern Shore: a history of Clarence*, (Rosny Park 2003); *Glenorchy 1804-1964*, (Glenorchy 1986); *Brighton and surrounds: a history of Bagdad, Bridgewater, Brighton, Broadmarsh, Dromedary, Elderslie, Mangalore, Old Beach, Pontville and Tea Tree* (Gagebrook 2006); S. Breen, *Contested Places: Tasmania's northern districts from ancient times to 1900*, (Hobart 2001).

<sup>38</sup> See B. Rait, *The Campbell Town Story*, (Campbell Town 1971) *The Story of Westbury, 1823-1973*, (Launceston 1973); *The Story of Richmond*, (Launceston 1974); T. W. Davenport, *Spirit of Clarence: a Tasmanian community*, (Rosny Park 1989); S. Lester, *Spring Bay, Tasmania: a social history?* (Hobart 1994.); J. E. Thorp, *Centenary of Campbell Town, Tasmania 1821-1921 : early history of the town and district*, (Hobart 1922); J. R. Skemp, *A History of Deloraine: from the earliest settlement to the present day*, (Launceston 1964); J. S. Weeding, *A History of Oatlands*, (New Norfolk 1988); K. R. Von Stieglitz, *Days and Ways in Old Evandale*, (Launceston 1946); *A Short History of Deloraine: with some notes on the surrounding district*, (Evandale 1950); *Longford: past and present*, (Launceston 1947); *A History of Oatlands and Jericho*, (Launceston 1960); *A Short History of Ross: with some tales of the pioneers*, (Launceston 1949); *Then and Now in Old Westbury: with notes on Exton, Hagley and Carrick*, (Launceston 1946) p11; *Richmond: the story of its people and its places*, (Launceston 1953).

<sup>39</sup> See W. J. Rowlands, *Richmond's 100 Years of Municipal Government*, (Richmond 1961); P. Cresswell, *Glenorchy 1864-1964: review of a century of progress*, (Glenorchy 1964); T. R. Macleod, *A History of Green Ponds 1862-1987*, (Green Ponds 1988); B. Davenport, *Glamorgan, Tasmania : the oldest rural municipality in Australia*, (Swansea 1988); Campbell Town Municipality, *Campbell Town Tasmania : history and centenary of municipal government* (Campbell Town 1966) pp. 141-155.

<sup>40</sup> V. G. William, 'Local Government Reform 1906-07: a permanent panacea?', (BA Hons, University of Tasmania 1969).

1907 and 1939,<sup>41</sup> and Roger Wettenhall and Ralph Chapman have made many valuable contributions in chronicling local government reform after the second world war.<sup>42</sup> More recently, attempts at municipal reform in Tasmania have been covered in a thesis by Ivan Zwart on the amalgamation process of 1993,<sup>43</sup> and a subsequent article with Marcus Haward on the 1997 attempts at reform.<sup>44</sup> All these works, while interesting, have tended to focus on the political struggle between central and local government over reform, sidelining for the most part the work and achievements of local bodies during their period.

Two areas relatively neglected by all these works on Tasmanian local government history have been local government in rural Tasmania, outside the cities of Launceston and Hobart, and local government during the nineteenth century. Furthermore, no comprehensive or comparative account exists on the hundreds of local authorities that made up the permissive system of local government in the colony during this period. Has this neglect been warranted? The aim of this thesis is to determine the contribution made by local authorities to the settlement and political culture of Tasmania in the first fifty years of responsible government from the 1850s. It will examine why the permissive system was introduced into Tasmania, how it actually worked, and why it was replaced by comprehensive municipal government. It will conclude by providing an answer to the

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<sup>41</sup> G. Rootes, 'Local Government Reform in Tasmania 1906-1939: with special reference to the North West Coast', (MA Thesis, University of Tasmania 2004).

<sup>42</sup> see as an example R. L. Wettenhall, 'Tasmania Local Government at the Crossroads', *PA (Sydney)*, 21(4) 1962 pp. 378-387; 'Municipal Reform in Tasmania', *Tasmanian Architect*, August 1966 pp. 23-4, 33-35; and *Tasmanian Government Administration*, pp. 311-325. R. J. K. Chapman, *Local Government Reform in Tasmania*, (Hobart 1973) and 'Tasmania' in Power, Wettenhall, and Halligan, *Local Government Systems*, pp. 705-95.

<sup>43</sup> I. Zwart, 'Local Government Amalgamation in Tasmania' (BA Hons Thesis, University of Tasmania 1997).

<sup>44</sup> M. Haward and I. Zwart, 'Local Government in Tasmania: reform and restructuring', *AJPA*, 59(3) 2000 pp. 34-47.

question posed at the beginning of this introduction — just how important has local government been in Tasmanian history, and has it played an essential, peripheral or negligible role in the State's development?

To date there has been only one serious attempt to explain the evolution of local government in rural Tasmania during the nineteenth century, a paper published by Roger Wettenhall in 1981.<sup>45</sup> He sought to challenge the assumption long-held by some historians that citizens either neglected or cared little about creating local bodies to carry out works and services for themselves, or that local bodies were mere adjuncts to the central government.

Wettenhall began by placing Tasmania's local government history into an analytical framework he devised (along with a few other political scientists) in the late 1970s.<sup>46</sup> This model suggested that the development of local government in the six Australian states fell broadly into two distinct patterns. The first pattern was dubbed *constitutionalist*, whose characteristics included a long attachment to property-based voting, rotational elections, chairman more likely to be chosen by the council than directly elected, a narrow range of functions, a marked resistance to state efforts to amalgamate municipalities, a strong influence in parliament, and a relatively high degree of formal municipal autonomy and financial independence. The second pattern was dubbed *state-interventionist*, whose characteristics included a full adult franchise,

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<sup>45</sup> R. L. Wettenhall, 'Towards a Reinterpretation of Tasmania's Local Government History', *JRAHS*, 67 1981-82 pp. 102-118.

<sup>46</sup> Power, Wettenhall, and Halligan (ed.), *Local Government Systems of Australia*, p. 20-21.

chairman directly elected, a wider range of functions, greater financial dependence, less formal autonomy, and more fluidity in respect of boundary adjustments.<sup>47</sup>

Wettenhall used this model in his attempt to explain the great anomaly of the colonial period of Tasmania's local government history — the fact that nineteen rural municipalities were formed in a flurry by the colonists between 1860 and 1866, but thereafter no further municipalities were created until comprehensive municipal government was introduced in 1908. He began by pointing to the work of Henry Reynolds in his influential article 'Regionalism in Nineteenth Century Tasmania' published in 1969.<sup>48</sup> In this article, Reynolds had charted the political dominance in the decades after responsible government had been granted to the colony of what he called the "Tasmanian gentry" — the pastoralists who lived in the corridor of flat plains roughly between Hobart and Launceston. Reynolds argued that the gentry had an antipathy towards centralized government — a hang-up from the excesses of the convict period — and favoured local control, especially over police and local justice, to entrench their power in rural areas.<sup>49</sup>

Wettenhall noted that the area dominated by the gentry after responsible government was almost similar to the one that had established nineteen rural municipalities between 1860 and 1866, and so suggested that in order to strengthen their own interests the gentry had established municipal government close to the constitutionalist pattern, ie rigid, autonomous, financially independent and favoring large-property owners.<sup>50</sup> He went on to argue that the rest of the colony that had not established municipal government was 'in

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<sup>47</sup> *ibid.*

<sup>48</sup> H. Reynolds, 'Regionalism in Nineteenth Century Tasmania', *THRAPP*, 17(1) 1969 pp. 14-28.

<sup>49</sup> *ibid.*, p. 20-21.

<sup>50</sup> Wettenhall, 'Towards a Reinterpretation of Tasmania's Local Government History', p. 109-10.

the main more recently settled, given over to a different set of economic values, and lacking sympathy with the cause of the constitutionalists who had brought the state to responsible government'.<sup>51</sup> People in these regions, he suggested, were more inclined to push for their interests in non-state bodies such as unions and other voluntary associations.<sup>52</sup> Following on from this analysis, Wettenhall saw the movement towards comprehensive municipal reform at the turn of the century due, in part, to a push for greater administrative efficiency during the period, but mainly a desire by 'those of the old constitutionalist persuasion who wanted tidier administration and fewer demands on the central treasury'.<sup>53</sup> Although Wettenhall himself does not state this, one could suggest that it was a move by the 'old constitutionalists' or the gentry to check the rising power of the labor movement, which was naturally inclined to big government, with a renewal of decentralization and the influence of property in local politics. Wettenhall ends his paper with the observation that 'our appreciation of the Tasmanian local government tradition must be deepened by taking into account the facts of social history and regional difference that have been outlined above'.<sup>54</sup>

Although persuasive, the weakness of Wettenhall's argument is that he conflates municipal government and local government, and makes too much of the regional differences and their influence on the formation of local bodies. He argues that those outside of the flat plains dominated by the gentry — the forested fringes of the colony if you like — had different values that led them not to adopt municipal government during the colonial period. But he may not have been aware that there *were* movements to

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<sup>51</sup> *ibid.*, p. 112.

<sup>52</sup> *ibid.*,

<sup>53</sup> *ibid.*, p. 114.

<sup>54</sup> *ibid.*, p. 115.

establish municipal government in those regions during the colonial period — in the early 1860s in Devon, the Huon and Port Cygnet, in the mid-1860s at Circular Head, in the 1870s at Burnie, in the 1880s at Latrobe, and in the early 1890s at Devonport. In most cases these movements were narrowly defeated, suggesting that the settlers did not have that great antipathy towards municipal institutions as Wettenhall suggested.

He also ignores the establishment of town boards in the colony from the early 1880s. Town boards had, with the exception of the control of police and the dispensation of local justice, the same powers and responsibilities as municipal councils, but their influence and rating powers extended obviously only within certain town boundaries and did not include large swathes of rural property like the rural municipalities. Moreover, the majority of town boards were established in the very regions that Wettenhall suggested that settlers looked to non-state bodies for their needs — the mining districts of the West Coast and the North East, and the agricultural region of the North West.

Then there are the road trusts; the number created during the colonial period is at a rough guess around 150. If those settlers of the forest-fringes held a different set of interests and values to the gentry in the pastoral lands, who favoured local bodies under the influence of large property-owners to carry out local works, then one might expect some apathy towards road trusts. After all, they were based on the principle of local responsibility and unabashedly designed to be run by large land-owners. Instead, one finds that the most enthusiastic advocates of the road-trust system were those colonists of the North West, North East, and Far South. Settlers in these regions were continually agitating for new roads and, once built, rated themselves highly in order to maintain them. Indeed, the most lethargic road trusts to be found in this period are in pastoral

lands of the colony dominated by the gentry, who, after all, had decent roads and so were less inclined to rate themselves to look after them.

So there are problems with Wettenhall's argument, because if one looks at local government as a whole during the colonial period, and not just at municipal government, there are inconsistencies within the regional 'clash of interests' thesis. Some of the settlers in regions that Wettenhall thought looked to the central government to carry out local works and services did in fact establish local institutions for that purpose. They may not have favoured municipal government, but they did seem to favour other forms of local government. Furthermore, some of the greatest proponents of local government in parliament — J. D. Balfe, William Moore, Edward Braddon and B. S. Bird for instance — at one time or another held seats that encompassed the forested fringes. This suggests that the evolution of local government in nineteenth century Tasmania may be more complex than a regional clash of interests between those who favoured decentralization and local control on the one hand, and those more inclined towards State-intervention on the other hand.

Rather than seeing local bodies as the expression of values of a particular social class, this thesis will adopt a less ambitious approach. One point that Wettenhall overlooks, or at least under-emphasizes, is that local government in Australia is a creature of parliament, and therefore is susceptible to the machinations of the executive.<sup>55</sup> It stands to reason that the development of local government in each colony depended upon, and was shaped by, the will of the Executive and the constraints upon its power. One also may assume that the central government will shape local government to suit its own

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<sup>55</sup> D. M Purdie, *Local Government in Australia: reformation or regression?*, (Sydney 1976) p. ix.



interests, whatever these may be. It is crucial then that any new re-interpretation of Tasmania's local government history during the colonial period looks carefully at the relationship between the central government and local bodies, whether it changed, and if so why.

This thesis will argue that there was a significant shift in the relationship between the Tasmanian central government and local bodies during the history of the permissive system of the colony. As the colony was granted responsible self-government in the 1850s, public opinion was decidedly in favour of promoting decentralization, and a flourishing system of local government was considered vital to ensure its success. Faced with financial problems of its own, the central government was also eager to divest itself of responsibilities and financial burdens. Consequently, in order to encourage greater decentralization, bills were passed allowing settlers to establish rural municipalities and road trusts to handle local affairs, and generous financial aid was supplied to help fledgling local bodies onto their feet. During the 1860s and 1870s, with continuing financial restraints limiting its activity, the central government was content to encourage the spread of local institutions into regions of the colony steadily increasing in population and wealth, such as the North West, North East and Far South.

The 1870s, however, saw the first murmurs of discontent appear about the local bodies' poor handling of road maintenance, management of police, and lack of public works. Pressure was put on the central government to improve the performance of local bodies. With increasing prosperity courtesy of the mining boom, several ministries were keen for the central government to take over some responsibilities designated to local bodies. They were rebuffed by the Legislative Council, which held firm on the principle

of local control and the desirability of a healthy system of local government. Subsequently, three reforms were enacted to improve the effectiveness of local bodies — franchise liberalization, local financial responsibility, and greater scrutiny of the actions of local bodies by government departments. There was a shift in emphasis, therefore, in the 1880s away from just encouraging the spread of local institutions to a focus on outcomes.

This shift in emphasis would have a significant consequence for local government in the colony. The recession of the early 1890s, coupled with the reductions in government aid at the same time, revealed the weaknesses and flaws of the existing system. By Federation the permissive system of local government was under severe strain. Despite the reforms of the 1880s, local bodies were still failing adequately to carry out the tasks allocated to them. Roads fell into disrepair, public works vital to ensure the health and well-being of residents were lacking in some districts, and the rabbit and codlin moth pest problems continued to worsen. The central government had the option of taking over the responsibilities of local bodies but was unwilling, and financially unable, to do so. This was a result of the loss of revenue caused by joining the Commonwealth of Australia in 1901. The most attractive option was to rectify a major problem of the permissive system, the existence of a large number of small bodies with limited finances, by vesting all local duties in the largest local body of the island — the municipal council.

However, there were only nineteen rural municipalities in rural Tasmania, existing in the corridor of flat plains between Hobart and Launceston. If the plan was to place all responsibility for local affairs onto municipal councils, one had to ensure that municipal councils were established throughout the island. The permissive system, in other words,

had to give way to comprehensive municipal government. After several failed attempts, reformers succeeded in passing a bill for comprehensive municipal reform in 1906. In 1907 a commission toured the State drafting boundaries for the new municipalities. A new era of local government in Tasmania began in January 1908.

To present this argument, the thesis has been broken into three sections, with each section dealing with one broad question concerning the evolution of local government in the colonial period. The first section, consisting of two chapters, examines why the permissive system of local government was introduced into Tasmania and what was expected of it. The first chapter explores the issue of road construction and maintenance in Van Diemen's Land between 1840 and 1852. It details the attempt by John Franklin (1837-1842), John Eardley-Wilmot (1843-1846) and William Denison (1847-1855) to pass bills requiring settlers to contribute financially to the maintenance of local roads, eventually resulting in the birth of the road trust system in the colony. The chapter also examines the settlers' opposition to these bills on the grounds that there could not be any local taxation 'without representation', a prospect unlikely as long as the colony remained predominately penal in character. The chapter will end by noting the contribution of the road trust system towards what would become the permissive system of local government.

The second chapter investigates the early municipal history of Australia between 1838 and 1858, and determines why the permissive system of local government was introduced into the country. It looks at the troubled history of many of the local institutions established in the 1840s, and the influence this had on British authorities when it came time to draft constitutions granting the Australian colonies independence and self-

government in the 1850s. The chapter will suggest that the permissive system was based on four tenets, with an emphasis on flexibility and voluntarism. The chapter will conclude by examining one major Act underpinning the permissive system in Tasmania, the *Rural Municipalities Act* 1858, and the formation of nineteen rural municipalities in the colony between 1860 and 1866.

The second section of the thesis will then deal with how the permissive system actually worked and evolved during its long history. This section is divided into four chapters, each dealing with the most important local bodies of the permissive system. The third chapter is concerned with the nineteen rural municipalities formed between 1860 and 1866. It examines the change in the role of municipal government in the colony during the latter-half of the nineteenth century, from an initial emphasis on law and order during the 1860s and 1870s to a focus upon public works from the 1880s to 1907. It also looks at the reform movement that emerged during the 1870s and 1880s concerned with improving the performance and outcomes of rural municipal councils. The chapter ends by noting that, despite the endeavour by some rural municipalities, the government after Federation was expecting rural municipal government to carry out even more public works than it was already.

The fourth chapter is concerned with the road trust system. It examines how this system during the 1860s, 1870s and early 1880s rose on two pillars — the continual subdivision of existing road trusts into smaller units, and the government granting generous aid to assist trusts in carrying out maintenance on local roads. The chapter then explores how the road trust system was undone from the late 1880s when the government, looking to improve the effectiveness of road trusts, removed one of these pillars — the generous

aid vital for many small trusts to carry out road repair. In the midst of an economic recession during the early 1890s many trusts were suddenly unable adequately to maintain local roads around the colony. The chapter concludes by recording how the dawn of the era of mechanized transport sounded the death-knell of the road trust system.

The fifth chapter looks at the codlin moth and rabbit pests that plagued the colony from the early 1870s. It studies the attempts by a number of fruit boards and rabbit trusts to eradicate these pests. After demonstrating their lack of success, the chapter then details the various proposals and solutions considered by the government, farmers and fruit-growers to stem the destructive actions of the pests. The chapter ends with the decision to vest pest control in the hands of municipal councils, and the consequences this had for comprehensive municipal government.

The sixth chapter is concerned with the town board system from the mid-1880s. It details the growth of towns in rural Tasmania from the late 1870s and the problems urbanization caused. Progress and Improvement Associations were formed in an attempt to deal with these problems, but were limited in what they could do. In response, the government created town boards to improve the health and comfort of residents living in townships. The chapter then examines the record of these town boards, to see if they were effective in carrying out town improvements. The chapter concludes by exploring the limitations of the town board system, and its effect on comprehensive municipal government reform.

The third section deals with the issue of why the permissive system was abolished and replaced by comprehensive municipal government. Chapter seven deals with the attempt to introduce comprehensive municipal reform between 1863 and 1900. It proposes that

there were two obstacles that stood in the way of comprehensive municipal reform — control of police in the colony vested in municipal councils, and an anxiety over boundaries in non-municipal districts that made drafting a reform bill difficult. The seventh chapter will particularly examine the attempt to overcome the first obstacle — the transfer of police from local to a more centralized form of control. After several failed efforts on the part of reformers to achieve this, police centralization finally occurred in 1898.

The eighth, and final, chapter will examine the attempt to overcome the other obstacle to comprehensive municipal reform — the anxiety over boundaries that made settlers in non-municipal districts reticent to adopt municipal government. The chapter details the circumstances after Federation that led to change, the concession made by reformers to local bodies to win their support for reform, and the deliberations over the bill that eventually became the *Local Government Act* 1906. The chapter ends by looking at the 1907 commission appointed to draft boundaries for the future municipal districts of the new era of comprehensive municipal government in the State.

In spite of there being some hundreds of local bodies that comprised the permissive system of local government in Tasmania, archival material on these bodies is patchy. Minute books exist for fifteen of the nineteen rural municipalities, and nineteen of the twenty-five town boards that were in existence. However, well over half of the road trusts established in the nineteenth century have no surviving minute books, and a large portion of those that do exist cover only the period after 1880. Only a few minute books also remain from the numerous fruit boards and rabbit trusts established after 1870.

The paucity of archival material has meant that newspapers have been heavily relied upon to gather research on local bodies in the period under investigation. Fortunately, colonial newspapers are an extremely useful source of information. An exhaustive search of more than twenty newspapers between 1840 and 1907 was undertaken and, in conjunction with minute books, provides a satisfactory account of the evolution of local government in this period. This account has been fleshed out with other valuable resources such as parliamentary papers, Tasmanian Statistics, Acts of parliament, *Hobart Gazette* and *Walch's Almanac*. In the absence of a minister solely responsible for local government in the nineteenth century, ascertaining the government's position on local government matters can sometimes be difficult. This thesis has therefore relied on parliamentary speeches introducing bills and other public announcements by ministers to determine the government's policy regarding local government.

Finally, Dora Heard and Ralph Chapman noted in their 1974 'A Bibliography of Literature on Tasmanian Politics and Government',<sup>56</sup> that 'little or no material was found' on local government history or reform in Tasmania.<sup>57</sup> While this has changed since then with some of the works mentioned earlier, they further expressed dismay that 'no definitive text on Tasmanian local government' existed.<sup>58</sup> The work of Von Stieglitz is perhaps the closest to such a text, but is far from scholarly and well presented. This thesis, by providing a thorough and comprehensive account of local government to 1907, will hopefully go some way to rectify this conspicuous anomaly in Tasmanian historiography.

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<sup>56</sup> D. Heard, R. J. K. Chapman, 'A Bibliography of Literature on Tasmanian Politics and Government', *Politics*, 9 special supplement pp. 1-32.

<sup>57</sup> *ibid.*, p. 3.

<sup>58</sup> *ibid.*, p. 22.

## **Part I:**

### **Early Local Government in Tasmania 1838-1858**



## Introduction

Like most of its political institutions, the roots of Australia's system of local government are to be found in Britain. For centuries the main unit of local government in Britain was the parish, which was responsible for a variety of duties such as keeping the peace, deterring vagrancy, relieving destitution, suppressing nuisances, vermin destruction, the furnishing of soldiers and sailors, as well as some religious obligations.<sup>1</sup> Other local duties such as maintaining police, gaols, militia and the construction of bridges were the responsibility of local magistrates of the Quarter Session courts.<sup>2</sup> Citizens were obliged to pay taxes and give several days of labour each year to the parish, and often exercised little control over the actions of its governing body — the vestry.<sup>3</sup> The Webbs note that by the 1830s the combined expenditure of all the parishes in Britain was one-fifth the budget of the national government, such was their size and influence.<sup>4</sup>

From the late seventeenth century, however, new bodies were created in response to urgent problems that arose from a rapidly changing economic order.<sup>5</sup> Alongside a relatively small number of municipal corporations — towns granted a charter by the Crown — there appeared institutions usually described by historians as either Statutory Authorities or *ad-hoc* Bodies.<sup>6</sup> These bodies were individually established by either a private or local Act of parliament, meaning that they had to be requested by local residents.<sup>7</sup> Examples include the Incorporated Guardians of the Poor, which

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<sup>1</sup> S & B. Webb, *English Local Government: the parish and country* (London 1963) Vol. 1, p. 4.

<sup>2</sup> B. Keith-Lucas, *English Local Government in the Nineteenth and Twentieth Centuries*, (London 1977) p. 7.

<sup>3</sup> *ibid.*, p. 8.

<sup>4</sup> Webb, *English Local Government*, p. 4.

<sup>5</sup> K. B. Smellie, *A History of Local Government* (London 1969) p. 18.

<sup>6</sup> See S & B Webb, *English Local Government: Statutory Authorities for Special Purposes*, (London 1963) Vol. 4.

<sup>7</sup> Keith-Lucas, *English Local Government*, p. 11.

administered the Poor Law; Improvement Commissioners, who dealt with paving, lighting and cleansing streets in towns; and other bodies created to deal with drainage and the management of docks and canals.<sup>8</sup>

Perhaps the most important new body of this type was the turnpike trust. Roads had long been the responsibility of the parish, which was charged with raising funds and providing labour for their construction and repair.<sup>9</sup> This system was adequate as long as road traffic remained local and infrequent, but as trade increased and longer journeys became more common during the seventeenth century, parishes were soon unable to cope with demands for better quality roads.<sup>10</sup> To assist them, an Act was passed in 1663 allowing local justices to collect tolls from those who used the roads to finance their repair. However, the parish system had its limitations, particularly an inability to raise loans for maintenance, and so from the beginning of the eighteenth century roads were gradually put in the hands of appointed trustees.<sup>11</sup>

Comprised of the prominent landowners and merchants of the local district, the trustees had a wide range of powers. They were able to erect gates, collect tolls, buy land, raise loans, and divert the course of roads.<sup>12</sup> After a slow beginning, the number of turnpike trusts grew quickly between 1750 and 1772, with over 300 trusts created along 10,000 miles of road.<sup>13</sup> By the mid-1830s Britain had around 1000 trusts controlling over 20,000 miles of main road.<sup>14</sup> The results of the turnpike system —

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<sup>8</sup> Smellie, *A History of Local Government*, p18; Keith-Lucas, *English Local Government*, p. 11.

<sup>9</sup> D. Bogart, 'Turnpike Trusts and the Transportation Revolution in Eighteenth Century England', *Explorations in Economic History*, 42 2005 p. 481.

<sup>10</sup> W. Albert, 'The Turnpike Trusts', in D. H. Aldcott, M. J. Freeman, *Transport in the Industrial Revolution*, (Manchester 1983) p. 32.

<sup>11</sup> Bogart, 'Turnpike Trusts and the Transportation Revolution', p. 482.

<sup>12</sup> Albert, 'The Turnpike Trusts', p. 45.

<sup>13</sup> W. Albert, *The Turnpike Road System in England 1663-1890*, (Cambridge 1972) p. 189.

<sup>14</sup> Bogart, 'Turnpike Trusts and the Transportation Revolution', p. 482.

better roads, swifter travel and reduced freight costs — had many economic and social benefits.<sup>15</sup>

From the 1820s this system of local government came under increasing criticism from social reformers, who thought it ill-adapted to a country changing rapidly from the industrial revolution and suffering from an economic downturn after the Napoleonic wars.<sup>16</sup> Given some impetus following the *Reform Act* in 1832,<sup>17</sup> these critics were successful in transforming Britain's local government. In 1834 the country's Poor Law was reformed, with new local bodies (Poor Law Unions and Boards of Guardians) created under the supervision of a central Poor Law Commission.<sup>18</sup> The 1830s also saw turnpike trusts criticized for mismanagement and heavy debts, problems made worse by declining revenues courtesy of the rise of cheaper rail and canal modes of transportation.<sup>19</sup> While a Select Committee report in 1839 ruled out disbanding the trust system, it did recommend amalgamations of trusts to improve finances and administration.<sup>20</sup>

With a great shift of population from rural to urban areas caused by industrialization, particular criticism was directed towards the existing municipal corporations, long derided by Benthamite radicals for their predominately 'oligarchic character', but also disliked by local Whigs and non-conformists who were often

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<sup>15</sup> Bogart, 'Turnpike Trusts and the Transportation Revolution', p. 501; see also G. Laugero, 'Infrastructures of Enlightenment: road-making, the public sphere, and the emergence of literature', *Eighteenth Century Studies*, 29(1) 1996 pp. 45-67.

<sup>16</sup> See A. Briggs, *The Age of Improvement, 1783-1867*, (London 1960) chp. 4.

<sup>17</sup> See J. R. M. Butler, *The Passing of the Great Reform Bill* (London 1914).

<sup>18</sup> A. Brundage, *The English Poor Laws, 1700-1930* (New York 2002) Chp. 3 & 4; D. Englander, *Poverty and Poor Law Reform in Nineteenth Century Britain, 1834-1914: from Chadwick to Booth*, (London 1998) Chp. 2; A. Digby, *The Poor Law in Nineteenth Century England and Wales* (London 1982).

<sup>19</sup> Albert, *The Turnpike Road System in England*, p. 190.

<sup>20</sup> 'Select Committee Report on Turnpike Trusts', *House of Commons Parliamentary Papers*, 1839, Vol. IX p. 373.

excluded from joining them.<sup>21</sup> On the advice of a Select Committee, in July 1833 parliament appointed a Royal Commission to inquire into the municipal corporations of England and Wales.<sup>22</sup> Dominated by men unfavourable to the existing corporations, the commission, after a thorough investigation, produced a report in 1835 which in part stated that ‘even where these institutions exist in their least imperfect form, and are most rightfully administered, they are inadequate to the present state of society. In their actual condition, where not productive of positive evil, they exist, in the great majority of instances, for no purpose of general utility’.<sup>23</sup> The report recommended that a thorough reform of municipal government in the country was required.<sup>24</sup>

The result was the *Municipal Corporations Act* 1835, which reformed around 178 existing ‘closed’ corporations. The Act provided every borough with an elected council, whose proceedings were open to the public, and whose accounts were annually audited. Provision was made for any surplus income of the corporation to be spent on public improvements, such as drainage and the cleansing and paving of streets.<sup>25</sup> The Act also allowed for future towns and cities that had no council to apply to be incorporated if they wished, but this process was convoluted and resulted in a large number of towns in England remaining without municipal government well into the nineteenth century.<sup>26</sup>

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<sup>21</sup> G. B. A. M. Finlay, ‘The Municipal Corporation Commission and Report, 1833-1835’, *Bulletin of the Institute of Historical Research*, 36 1963 p. 36.

<sup>22</sup> ‘Report of the Select Committee Appointed to Inquire into the State of Municipal Corporations in England and Wales and Ireland’, *House of Commons Parliamentary Papers*, 1833 Vol. XIII pp. 1-9.

<sup>23</sup> Finlay, ‘The Municipal Corporation and Report, 1833-1835’, p. 42.

<sup>24</sup> See ‘First Report of the Commissioners Appointed to Inquire into the Municipal Corporations’, *House of Commons Parliamentary Papers*, 1835, XXIII pp. 1-132.

<sup>25</sup> See J. Redlich, F. W. Hirst, *The History of Local Government in England* (London 1970) pp. 116-138.

<sup>26</sup> N. C. Edsall ‘Varieties of Radicalism: Attwood, Cobden and the Local Politics of Municipal Incorporation’, *The Historical Journal*, 16 (1), 1973 p. 94 .

The *Municipal Corporations Act* remained in force in Britain for nearly 50 years, not repealed until the next great wave of municipal reform in Britain in the 1880s.<sup>27</sup> It sought to bestow a greater regard for municipal government, turning it from benefiting a corrupted few into being a vehicle of public utility. But it was part of a much grander scheme for some, who saw municipal reform as one step towards releasing localities from the interference and control of central government.<sup>28</sup> For E. P. Hennock, local government in early nineteenth-century Britain was characterized by a push for decentralization, based on the twin assumptions that those who belonged to a locality knew better than anyone else what that locality needed, and that what was done locally was a local matter and did not significantly affect the lives of others.<sup>29</sup> This led to a highly flexible system of local governance that attempted to deal with the rapid social change that occurred at different times in different areas during the period. Rather than trying to pass general legislation over localities that had different needs, residents instead petitioned for a local Act to create a local authority to deal with specific problems.<sup>30</sup> The result was a confusing patchwork of numerous local bodies and overlapping jurisdictions, described by M. D. Chalmers in 1883 as a 'chaos of areas, a chaos of authorities, and a chaos of rates'.<sup>31</sup> For Hennock the basic

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<sup>27</sup> A. Lawrence Lowell, *The Government of England* (London 1921) Vol. II, p. 144.

<sup>28</sup> R. Lambert, 'Central and Local Relations in Mid-Victorian England: the local government office 1858-1871', *Victorian Studies*, 6 1962-63 p. 121; R. M. Gutchen, 'Local Improvements and Centralization in Nineteenth Century England', *Historical Journal*, 4(1) 1961 p85. Some historians dispute this claim, and point out that the period after the Reform Act saw a growth of a government bureaucracy, see F. M. G. Wilson, 'Ministries and Boards: some aspects of administrative development since 1832', *Public Administration*, 33(1) 1955 pp. 43-57; O. MacDonagh, 'The Nineteenth Century Revolution in Government: a reappraisal', *The Historical Journal*, 1, 1958 pp. 52-67; J. B. Brebner, 'Laissez Faire and State Intervention in Nineteenth Century Britain', *Journal of Economic History*, 8, 1948 supplement pp. 59-73. Although it can be argued that what was characterized by centralization during this period was central inspection of the work carried out by local bodies, rather than the central government carrying out the work itself, see D. Roberts, 'Jeremy Bentham and the Victorian Administrative State', *Victorian Studies*, 2, 1958-59 pp. 193-210.

<sup>29</sup> E. P. Hennock, 'Central/Local Government Relations in England: an outline 1800-1950', *Urban History Yearbook* 1982 p. 39.

<sup>30</sup> *ibid.*

<sup>31</sup> M. D. Chalmers, *Local Government* (London 1883) p. 17.

principle that underpinned this system of local government was 'local provision, for local wants, locally identified'.<sup>32</sup>

In Australia, two factors shaped the government of the new colonies of New South Wales and Van Diemen's Land in the first thirty years of European settlement. First and foremost was the duty of the Governor (Lieutenant-Governor in Van Diemen's Land) to discipline, punish and reform his convict population. As Greenwood notes, 'the administration necessary to control the convicts transported from the British Isles influenced almost every aspect of progress'.<sup>33</sup> One consequence of the colonies being primarily of a penal character was that almost all executive power was vested in the Governor. He was able to appoint justices of the peace; proclaim and execute martial law; erect or demolish fortifications; grant land; regulate industry, trade and markets; and from 1790 remit 'absolutely or conditionally the whole or part' of the sentences of transported convicts.<sup>34</sup> Up until the administration of Sir Thomas Brisbane in New South Wales (1821-1825) and George Arthur in Van Diemen's Land (1824-1836), the form of government existing in the colonies is usually described as autocratic.<sup>35</sup> A. C. V. Melbourne, for instance, states that the 'executive authority of the Governor was used from the beginning to regulate the lives and occupations of those who formed this strange community'.<sup>36</sup>

After the investigation into the colonies carried out by John Thomas Bigge,<sup>37</sup> the 1820s saw the beginning of the gradual transfer of power from the Governor to a

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<sup>32</sup> Hennock, 'Central/Local Government Relations in England', p. 39.

<sup>33</sup> G. Greenwood, *Australia: a social and political history*, (Sydney 1977) p. 1.

<sup>34</sup> A. C. V. Melbourne, *Early Constitutional Development in Australia*, (St. Lucia 1963) p. 6.

<sup>35</sup> J. B. Hirst, *Australia's Democracy: a short history* (Sydney 2002) p. 11.

<sup>36</sup> Melbourne, *Early Constitutional Development in Australia*, p. 10.

<sup>37</sup> J. M. Ritchie, 'John Thomas Bigge and his Reports on New South Wales', *Journal of Royal Australian Historical Society* 60(1) 1974 pp. 12-27.

popularly-elected Legislative Assembly by the 1850s.<sup>38</sup> First, the Governor was required to consult and seek approval for his actions from an appointed Executive, later Legislative, Council.<sup>39</sup> Following protests from an ever increasing number of free settlers, the introduction of civil rights such as freedom of the press and trial by jury, along with an independent judiciary, were further constraints on executive control.<sup>40</sup> The 1820s also saw the arrival of departments and government-appointed administrative boards, who oversaw such tasks as land distribution, public works and education.<sup>41</sup> Despite these developments, the executive still held considerable power in all the governments of the colonies until responsible government was introduced in the 1850s.<sup>42</sup>

Along with the penal nature of the new colonies, the second factor that shaped early Australian government was the size and harsh terrain of the continent. Although instructed by British authorities to become as quickly self-sufficient as possible, the early settlers relied heavily on food and other supplies being shipped from overseas.<sup>43</sup> Limited foodstuffs and supplies meant rationing, and consequently the government-controlled commissariat became an influential institution in the lives of the early colonists.<sup>44</sup> This feature of first decades of Australian settlement – a reliance on the government to provide services – became more pronounced as more free immigrants arrived and land settlement spread. Singleton notes that ‘because of the huge size of

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<sup>38</sup> P. Finn, *Law and Government in Colonial Australia*, (Melbourne 1987) p. 35; V. Korobacz, 'The Legislative Council of Van Diemen's Land, 1825-1856: a study of some aspects of the development of a colonial legislature', (MA Thesis University of Tasmania 1971).

<sup>39</sup> See Melbourne, *Early Constitutional Development in Australia*, p. 104-120.

<sup>40</sup> A. Castles, *An Australian Legal History* (Sydney 1982); E. Sweetman, *Australian Constitutional Development*, (Melbourne 1925) Chp. 6.

<sup>41</sup> See R. L. Wettenhall, 'Administrative Boards in Nineteenth Century Australia', *Public Administration* (Sydney) 22(3) 1963 pp. 255-267; 'The Ministerial Department: British origins and Australian adaptations', *ibid.*, 32(3) 1973 pp. 240-2; B. Fletcher, 'Administrative Reform in New South Wales under Governor Darling', *ibid.*, 38(3) 1979 pp. 246-262.

<sup>42</sup> G. Singleton, D. Aitken, B. Jinks & J. Warhurst, *Australian Political Institutions*, 8<sup>th</sup> ed. (French's Forest 2006) p. 11.

<sup>43</sup> C. M. H. Clark, *A History of Australia* (Melbourne 1978) Vol. I, p. 113.

<sup>44</sup> *ibid.*, p. 150.

the continent and its sparse rural population, local communities were rarely able to provide the facilities they needed. This meant that from the very beginning it was the colonial government that was called on to plan and provide the basic infrastructure for development'.<sup>45</sup> This was especially the case with expensive public works, such as roads, bridges and wharves.<sup>46</sup>

If the early history of Australian government was characterized by a strong centralized State, looked upon by colonists to provide a number of services, where did this leave local government? The purpose of the first part of this thesis is to examine the origins of what would eventually become the 'permissive' system of local government adopted in the Australian colonies. It will argue that, like in Britain, a desire for decentralization was behind colonial authorities and other settlers promoting the municipal cause in Australia. The reasons for doing so were varied — the need by colonial governments to reduce public expenditure during difficult economic times; a belief that decentralization would be a more efficient and cost-effective method of providing local works and services, especially in more remote areas; and a wish to inculcate certain values deemed necessary for successful self-government. However, local bodies created during the 1840s had a troubled history, and as a result two lessons were subsequently drawn by authorities — that local government could not be imposed on a population unable or unwilling to support it, and that local institutions would have to be adapted to suit Australian conditions.

The outcome was the 'permissive' system of local government. It was based upon four tenets — that control of municipal government was to be put in the hands of colonial legislatures; that the Governor would have discretion in proclaiming new municipal councils, ensuring that settlers were not coerced into forming them; that

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<sup>45</sup> Singleton, Aitken, Jinks & Warhurst, *Australian Political Institutions*, p. 11-12.

<sup>46</sup> D. Aitkin, 'Big Government: the Australian experience', *The Australian Quarterly*, 55, 1983 p. 176.



generous government aid should be available to help fledging municipal bodies onto their feet; and that different local authorities could be created to suit Australian conditions. Therefore, the system of local government prevalent in England — municipal bodies co-existing alongside local authorities for special purposes — was replicated in the colonies.

The first chapter looks into the issue of road construction in Van Diemen's Land between 1840 and 1852, and examines the initial attempts by successive Lieutenant-Governors to introduce local institutions responsible for road maintenance. In particular, the chapter will focus on two pieces of legislation, the *Road Act* 1840 and the *Cross and Bye Roads Act* 1852, the circumstances behind each Act and their significance. The second chapter will explore the broader municipal history of Australia between 1838 and 1858, and details the introduction of the permissive system into Australia. The chapter will conclude by examining in detail the *Rural Municipalities Act* 1858, responsible for establishing rural municipal government in Tasmania.

## **Chapter One: The Origins of Local Government in Van Diemen's Land: road construction, maintenance and trusts 1840-1852**

‘The road’, the historian and essayist Hilaire Belloc once wrote, ‘moves and controls all history’.<sup>1</sup> Once established, a road system develops ‘at its point of concentration the nerve centre of the society it serves’, and for Belloc ‘the material rise and decline of a State are better measured by the condition of its communication — that is, its roads — than by any other criterion’.<sup>2</sup> Expressing a similar sentiment, the political philosopher Adam Smith suggested that roads ‘are to the political body what arteries are to the human body, and to shorten and improve them gives vitality to the whole system’.<sup>3</sup>

Given the sheer size and often difficult terrain of the Australian continent, the construction and maintenance of roads played an important role in this country’s early history.<sup>4</sup> As one scholar has written ‘roads, like grand buildings, were intended as expressions of the colony’s “civilization”, and also of its prosperity. The road represented the conquering of distance over the unknown and little transversed landscape’.<sup>5</sup> Initially, road-building in early colonial Australia was quite crude, often just involving clearing existing bush tracks as well as possible.<sup>6</sup> Not until the arrival of

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<sup>1</sup> H. Belloc, *The Road*, (London 1925) p. ii.

<sup>2</sup> *ibid.*, p. ii-iii.

<sup>3</sup> *Hobart Town Courier*, (HTC) 19 December 1834.

<sup>4</sup> See M. G. Lay, *History of Australian Roads* (Vermont South 1984); and *Source Book for Australian Roads*, (Vermont South 1984); V. O’Grady, ‘The Development of the Bridge in Australian Road Construction’, *Journal of Royal Australian Historical Society* (JRAHS) 66(4) 1980-81 pp. 273-286; J. Badger, ‘It Shows in His Buggy’: the place of the buggy in nineteenth century Australia’, *Victorian Historical Magazine* 69(1) 1998 pp. 112-131; R. Waterhouse, *The vision splendid: a social and cultural history of rural Australia*, (Fremantle 2005) pp. 34-35.

<sup>5</sup> G. Karskens ‘As Good as any in England’: the background to the construction of the great north road, *JRAHS*, 68(3) 1982-83 p. 196.

<sup>6</sup> R. J. S. Thomas, ‘Some Aspects of the History of The Roads of New South Wales’, *JRAHS*, 53(1) 1967 p. 53.

Lachlan Macquarie as Governor of New South Wales in 1810 did the quality of colonial roads improve, as he set uniform standards covering their width, drainage and paving.<sup>7</sup>

Although the subject was held with greater esteem after Macquarie's tenure as Governor had finished in 1821, the costly and labor intensive enterprise of road construction was still beset with numerous problems to the 1850s. Money for public works in the colonies was provided by the British treasury, but as more settlers arrived and land settlement expanded further and further from existing centers, the British government increasingly sought to reduce its responsibility for paying for colonial infrastructure. Therefore, as demand for roads increased, the ability of colonial governments to provide good quality roads diminished. Some assistance at least was provided by having relatively cheap convict labour available, and within convict societies road construction came to play an important part in the punishment of recalcitrant offenders. However, while cheap, convict labour was often unproductive, making an already protracted process of road-building longer still. When cost and labour difficulties were overcome and roads were successfully made, their maintenance became an issue. Roads made in this early period were often at the mercy of the weather — dry spells made them rough and rocky, while wet weather made them unusable. Finally, even the journey along a colonial road had its fair share of hazards and hardships, including the threat of bushrangers, making road travel in the words of R. J. S. Thomas a 'fairly unpleasant necessity'.<sup>8</sup>

The historiography of Tasmania's early road history is divided into two areas — those works that chronicle the construction of a road between two centres, or the forging of

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<sup>7</sup> *ibid.*, p. 55.

<sup>8</sup> *ibid.*, p. 54.

roads into previously inhospitable territory;<sup>9</sup> and those works that examine the convicts who worked on the roads as part of their punishment.<sup>10</sup> Little of any great detail has been written on the development of the road trust system in the colony. The most impressive book on the early road history of Tasmania, *Convicts and Carriageways: Tasmanian road development until 1880*,<sup>11</sup> gives only a cursory glance at roads trusts of the period.

Even when the origins of the road trust system have been mentioned there has been a significant error. In his book *A History of Local Government in Tasmania*, K. R. Von Stieglitz states that the beginning of the road trust system was the *Road Act* 1840, which created various road districts and put local roads in the hands of elected district commissioners.<sup>12</sup> However, as will be shown in this chapter, while the Act itself became law, the road districts created by this Act were subsequently not established. In other words, the *Road Act* 1840 became a dead letter. Von Stieglitz, and other scholars after him,<sup>13</sup> assumed that the districts were created and so have attributed the *Road Act* 1840 as the foundation of the road trust system in the colony.

The aim of this chapter is to examine comprehensively the origins of the road trust

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<sup>9</sup> See for example, G. H. Stancombe, *Highway in Van Diemen's Land* (Glendessary 1974); 'The Great North Road' *Tasmanian Historical Research Association Papers & Proceedings* (THRAPP) 4(2) 1955-56 pp. 24-32; 'Communications in Van Diemen's Land', *THRAPP* 2(4) 1952-53 pp. 74-80; L. Whitham 'The Bridges, Roads and Rail of Bridgewater', *THRAPP* 36(2) 1989 pp. 57-84; 'Where the Four Roads Meet', *THRAPP* 29(4) 1982 pp. 140-154; S. M. Franks, 'The First Track to the West Coast', *THRAPP* 6(3) 1957-58 pp. 65-70.

<sup>10</sup> See A.G.L. Shaw 'Sir John Eardley-Wilmot and the Probation System in Tasmania', *THRAPP* 11(1) 1963-64 pp. 5-19; I. Brand 'Charles La Trobe and the Van Diemen's Land Probation System', *Bulletin for the Centre for Tasmanian Historical Studies*, 2(1) 1988-89 pp. 49-67; P. MacFie, 'Dobbers and Cobbers: informers and mateship among convicts, officials and settlers on the grass tree hill road 1830-1850', *THRAPP*, 35(3) 1988 pp. 112-127; J. Thompson, *A Road in Van Diemen's Land: the story of convict built "Bell's line of road from the Derwent River to St. Peter's Pass, 1820-1824*, (Hobart 2004).

<sup>11</sup> L. Newitt and A. Jones, *Convicts and Carriageways: Tasmanian road development until 1880*, (Hobart 1988).

<sup>12</sup> K. R. Von Stieglitz, *A History of Local Government in Tasmania: from the earliest settlement of Van Diemen's Land to the present time*, (Hobart 1958), p. 132-133.

<sup>13</sup> R. L. Wettenhall, *A Guide to Tasmanian Government Administration*, (Hobart 1968) p. 312; Newitt and Jones, *Convicts and Carriageways*, p. 173.

system in Van Diemen's Land and its contribution towards what would become the permissive system of local government in the colony. This chapter will argue that, as the problem of road construction and maintenance was discussed during the 1840s, two distinct trends emerged. The first trend arose from the persistent poor condition of roads around the island coupled with the economic difficulty the colony found itself in during the early 1840s. Unable financially to maintain roads solely from the colonial revenue, the administrations of Sir John Franklin (1837-1842), Sir John Eardley-Wilmot (1843-1846) and Sir William Denison (1847-1855) sought to shift some of the burden for road maintenance onto the colonists. This was achieved by introducing legislation either establishing tolls on various roads around the colony or making a small assessment on local lands. Such moves were part of a much broader trend in the Australian colonies from the 1820s, where the British government transferred some of the costs of the penal system onto the colonial authorities, who, in turn, tried to encourage the increasingly prosperous free settlers to pay for public works, convict labour and the administration of their new home.<sup>14</sup>

Initially, the colonists were unwilling to accept financial responsibility for local roads, even when offered elective trusts as an incentive to do so. This opposition was based on a view that the colonial government was attempting to introduce local taxation, a move some colonists considered unconstitutional, originating as it did from a nominee Legislative Council. Only an elected representative assembly had the right to impose local taxation, and colonists thereby had a duty to oppose efforts to introduce taxation

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<sup>14</sup> N. G. Butlin, *Forming a Colonial Economy in Australia 1810-1850* (Cambridge 1994) p. 54-55.

‘without representation’.<sup>15</sup> The second trend therefore that emerged during the 1840s was that the attempt to introduce local institutions into Van Diemen’s Land became inextricably linked with the broader struggle for representative government in the colony.

There was considerable tension between these two trends, resulting in several frustrated endeavours by the colonial government to implement effective legislation to improve the quality of roads around the colony. Franklin was the first Lieutenant-Governor to attempt to encourage greater local financial responsibility for roads with his *Road Act* 1840, which enabled the colonists to establish elective trusts to manage their local roads. This Act, however, was opposed by settlers and was soon abandoned. While this opposition created difficulties in introducing a road trust system, Eardley-Wilmot had greater success with shifting some of the burden for road maintenance onto the colonists’ shoulders. After a bitter debate with the settlers and a hostile Legislative Council, Eardley-Wilmot passed two *Road Acts* in 1846 introducing tolls on the Main Road between Hobart and Launceston and other by-roads around the colony, copying a practice long familiar in England and quickly being adopted in the other Australian colonies. But it was Denison who finally resolved the tension between the two above trends, instigating greater local financial responsibility for road construction and maintenance by passing the *Cross and Bye Roads Act* 1852 establishing a road trust system in the colony.

The chapter will conclude with the contribution of the early history of the road trust system towards what would become the permissive system of local government. First, it signified an effort by the colonial government to shift some of its financial burdens onto

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<sup>15</sup> See V. Korobacz, ‘The Legislative Council of Van Diemen’s Land 1825-1856: a study of some aspects of the development of a colonial legislature’, (MA Thesis, University of Tasmania 1971); W. A. Townsley, *The Struggle for Self Government in Tasmania*, (Hobart 1951).

settlers, due in part to the economic condition of the colony, but also from a developing attitude that it was only right for colonists to pay for infrastructure from which they derived benefits. Second, it highlighted the link made by colonists between local institutions and the broader question of representative government. Third, the successful process that culminated in the *Cross and Bye Roads Act* 1852 encouraged the practice of the voluntary *ad-hoc* manner of introducing local institutions into rural Tasmania.

### *The Road Act 1840*

The key to transforming Van Diemen's Land from a penal colony into a successful and profitable settler society relied on an extensive network of good quality roads and tracks. This was not only important for good civil and penal administration, but essential for fostering commerce and land settlement. Therefore the need for roads in the new colony was soon realized, and in 1812 plans were unveiled for a main road connecting the two settlements of Port Dalrymple and Hobart Town.<sup>16</sup> The arrival of William Sorell as Lieutenant-Governor in 1817 saw a subsequent influx of free settlers into the colony and an increase in the number of land grants.<sup>17</sup> This created a demand for more roads and bridges to the new outlying districts of settlement. The Governor of New South Wales, Lachlan Macquarie, wrote to Sorell impressing upon him that 'nothing can be conducive to the rapid improvement of a new colony so much as the construction of good public roads and bridges for the more easy conveyance of the produce of the small farms to the

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<sup>16</sup> Instructions to Mr James Meehan, Acting Surveyor-General of Lands in the territory of New South Wales 25 June 1812, *Historical Records of Australia* (HRA), Ser. 3 Vol. 1, p. 517.

<sup>17</sup> L. Mickleborough, *William Sorell in Van Diemen's Land: Lieutenant-Governor, 1817-1824: a golden age?*, (Sandy Bay 2004) p. 24.

market, and for the greater security and convenience of travellers'.<sup>18</sup> Macquarie urged Sorell to proceed 'with the utmost vigor and dispatch' road-building around the island.<sup>19</sup>

Despite limited resources, Sorell earnestly took up the task, and by the time of his departure from the colony in 1824 roads had been built to New Norfolk, up each side of the River Derwent, and from Hobart to Coal River and Pittwater. Roads had also been planned for the settlements of Clyde, Great Swan Port and George Town.<sup>20</sup> Though he boasted that 'no impediment to communication is now experienced, except in the very deep weather of winter', Sorell warned that still much more time, labour and expense would be required to make durable roads in some of the harsh terrain found on the island.<sup>21</sup>

His successor as Lieutenant-Governor, Colonel George Arthur, was also alive to the benefits of road construction, particularly as a good means of punishment for convicts who misbehaved within his assignment system.<sup>22</sup> In a despatch to the secretary of state for the colonies, Viscount Goderich, in 1827, Arthur suggested that 'the opening and forming of the main roads through the interior; the leveling and marking of the streets in the towns; the construction of temporary bridges; and the formation of quays and wharves are all laborious employments, highly suitable to the application of convict labour and beneficial to the government as well as to the community'.<sup>23</sup> In 1827, he also created a new road and bridges department, under the control of an inspector, later

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<sup>18</sup> Macquarie to Sorell, 30 June 1821, *HRA*, Ser. 3 Vol. 4, p. 18.

<sup>19</sup> *ibid.*

<sup>20</sup> Sorell's report on the condition of the colony, Arthur to Bathurst, 9 June 1824, *HRA*, Ser. 3 Vol. 4, p. 147.

<sup>21</sup> *ibid.*, p. 148.

<sup>22</sup> Arthur to Bathurst, 24 March 1827, *HRA* Ser. 3 Vol. 5, p706; see also Archives Office of Tasmania (AOT) Colonial Secretary Office: Letterbook of Letters Concerning Roads and Bridges Addressed Chiefly to the Inspector of Roads 1827-1835 (Ref: CSO 47).

<sup>23</sup> Arthur to Goderich, 1 December 1827, *HRA*, Ser. 3 Vol. 6, p. 366.



director-general, of roads. Richard Turton (1827-29) was the first inspector and he was succeeded by Roderick O'Connor (1829-1835).<sup>24</sup>

This was an acknowledgment by Arthur that much still had to be done to improve the quality of roads, especially as he began to dramatically increase the quantity of land granted to free settlers.<sup>25</sup> The *Hobart Town Courier* in 1827, noting that 'the means of easy and frequent communication constitutes the life and spirit of every civilized community', stated that most roads in the interior were in a 'lamentable condition'.<sup>26</sup> Charged with reducing as much as possible the financial burden on the British treasury, Arthur could keep only a small portion of the convict population on government funded public works.<sup>27</sup> Those serving on road gangs were subsequently either unskilled labour not wanted by settlers, or convicts under harsh punishment for misdemeanors committed elsewhere. The result was convict labour on roads was unproductive, slow and often wasteful,<sup>28</sup> a fact admitted by Arthur in 1829.<sup>29</sup> However, occupied with improving his system of convict discipline, and with increasing troubles with the Aborigines, Arthur could not introduce a comprehensive plan for road construction until late 1832.

In October of that year, the survey office published a notice requesting local districts to inform the surveyor-general of what cross and bye roads they required. This was to be achieved by the use of committees formed from local residents in each district, who would determine what roads were needed. These committees would then present a report to the surveyor-general 'in order that all such internal lines of communication may be at

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<sup>24</sup> Wettenhall, *A Guide to Tasmanian Government Administration*, p. 143.

<sup>25</sup> J. Boyce, *Van Diemen's Land: a history*, (Melbourne 2008) p. 262-3.

<sup>26</sup> *Hobart Town Courier* (HTC), 17 November 1827.

<sup>27</sup> K. Fitzpatrick, *Sir John Franklin in Tasmania 1837-1843*, (Melbourne 1949) p. 73-74.

<sup>28</sup> *ibid.*, p. 86.

<sup>29</sup> Arthur to Murray, 3 April 1829, *HRA*, Ser. 3 Vol. 8, p. 305.

once finally fixed and laid out'.<sup>30</sup> Committees were subsequently formed at Campbell Town, Oatlands, Forcett, Brighton, Sorell, Norfolk Plains, Carlton, Richmond, Hamilton, Launceston and Glenorchy to begin what would become a lengthy process of working with the survey office to mark out desired roads.<sup>31</sup>

Meanwhile, public pressure was put on Arthur to increase road construction. The *Hobart Town Courier* urged him to devote more convicts to the task, and, in spite of some settlers fears about undisciplined convicts marauding around the interior, thought road gangs should be the 'very nerves – the backbone as it were – of our prison discipline'.<sup>32</sup> The *Colonial Times* noted that it took only a short period of wet weather to render 'most of the roads in the colony impassable, and we have complaints from all quarters, of bridges swept away, holes in the roads large enough to entomb a cart, and other grievances of a similar nature'.<sup>33</sup> In the Legislative Council in October 1833, Captain Charles Swanston spoke of the colony's 'want of public buildings, roads, bridges and other important improvements necessary to the well-being of the community'.<sup>34</sup> In response, Arthur raised the expenditure of his road department 'to render this branch of the public service as effective as possible',<sup>35</sup> and put more convicts on road gangs.

Most local committees submitted long lists of desired roads and so the process of construction was subsequently slow.<sup>36</sup> Coming towards the end of his tenure as

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<sup>30</sup> *HTC*, 5 October 1832

<sup>31</sup> *HTC*, 5 October 1832; 23 November 1832; 30 November 1832; 28 December 1832; 4 January 1833; 1 February 1833; 1 March 1833; 17 May 1833; 24 May 1833; 3 January 1834; see also *AOT*, Land & Surveys Department: Register containing copies of gazette notices giving descriptions of roads in various districts 1833-1837 (Ref: LSD 390).

<sup>32</sup> *HTC* 19 April 1833; see also *Colonial Times* (CT), 10 July 1832 & 16 April 1833.

<sup>33</sup> *CT*, 10 July 1832, see also *CT*, 10 September 1853.

<sup>34</sup> *HTC*, 18 October 1833.

<sup>35</sup> *HTC*, 11 October 1833.

<sup>36</sup> See *True Colonist* (TC), 3 January 1835.

Lieutenant-Governor by 1836, Arthur remarked that great progress had been made with roads and bridges, and that ‘public facilities, as regards both agriculture and commerce, are now almost everywhere rapidly extending’.<sup>37</sup> The *Hobart Town Courier* was less sure, criticizing Arthur for the tardiness of the road department,<sup>38</sup> and for building schools, churches and penal establishments to the detriment of accessible roads.<sup>39</sup> The *True Colonist* opined that Arthur had ‘left more than half the colony without any roads at all’.<sup>40</sup>

Arthur’s promotion of committees to determine cross and bye-roads was the embryonic roots of what would later become the road trust system — local control over local roads. It was left to his successor Sir John Franklin, arriving in the colony in January 1837, to instigate the first moves towards creating local institutions to deal with maintaining roads around the colony. The idea of elected road commissioners had been mooted by some residents of Richmond in a petition to Arthur in 1832.<sup>41</sup> The *Colonial Times* warmly welcomed the proposal, thinking the colony ‘would be greatly benefited by the introduction of the principle generally throughout every district’.<sup>42</sup> But the petition seemed to be given a short shrift by Arthur.

Instead, the impetus for creating road districts came from the public dissatisfaction with the operations of the road department from 1837, particularly with the conduct of its

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<sup>37</sup> *HTC*, 6 May 1836.

<sup>38</sup> *HTC*, 4 March 1836.

<sup>39</sup> *HTC*, 19 August 1836.

<sup>40</sup> *TC*, 15 January 1836; see also *TC* 19 February 1836; 11 March 1836; 6 May 1836; 24 June 1836; 2 September 1836 for criticisms of Arthur’s road department.

<sup>41</sup> *CT*, 4 April 1832; The Richmond Road Committee seemed to be most active of all the committees set up by Arthur, see *TC* 11 November 1833, 10 June 1836, 11 November 1836, 23 December 1836, 17 February 1837, 30 June 1837; 21 July 1837.

<sup>42</sup> *CT*, 4 April 1832.

recently appointed director-general Captain Alexander Cheyne.<sup>43</sup> The *Colonial Times* was the most vehement critic, declaring that the first six months of Cheyne's control of the road department had been 'unrivalled for cant, humbug and road-spoiling', concluding roads around the colony 'were now utterly neglected'.<sup>44</sup> The *Cornwall Chronicle* also noted 'the great complaint against him is his obstinacy, his determination never to adopt the suggestions of men gifted with more common sense and experience than it is unfortunately his lot to possess'.<sup>45</sup> For the *Colonial Times* roads were 'the very sinews of a country, without which commerce must languish and civilization retrograde', and urged Franklin to take the subject seriously.<sup>46</sup>

Franklin was aware of the problems concerning roads after touring the colony soon after his arrival. At a meeting of the Richmond Agricultural Society in May 1837, Franklin told settlers that improving roads and supplying bridges would be a priority of his administration.<sup>47</sup> In response, Richmond residents petitioned Franklin with the proposal of elected commissioners they had put to Arthur in 1832. The settlers envisaged that commissioners would be elected annually from a general meeting of landholders in the district, 'whose superintendence the entire management of the roads in the district should be placed', and who would have control over the work of the road department in the local area.<sup>48</sup>

This proposal was unpalatable to Franklin for several reasons. First, he thought the

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<sup>43</sup> *TC*, 7 July 1837, see also 16 February 1838; 10 August 1838; 15 June 1838.

<sup>44</sup> *CT*, 16 May 1837; see also *CT* 2 May 1837, 9 May 1837, 16 May 1837, 4 July 1837, 26 September 1837, 27 February 1838; *Cornwall Chronicle* (CC), 26 August 1837, 5 January 1839, 19 January 1839.

<sup>45</sup> *CC*, 13 May 1837.

<sup>46</sup> *CT*, 16 May 1837.

<sup>47</sup> *HTC*, 12 May 1837; see also *HTC*, 5 May 1837; The Richmond Agricultural Society sent a memorial to Franklin, asking for greater attention to be put on road construction *TC*, 3 February 1837.

<sup>48</sup> *HTC*, 26 May 1837.

board would become 'irresponsible' in the hands of a clique of certain landholders, who would fight with other landholders in the area, and that would lead to a 'series of contentions and animosities extremely prejudicial to the peace and welfare of the inhabitants'.<sup>49</sup> Second, the granting of such a body to Richmond would set a precedent for the extension of boards elsewhere around the colony. This Franklin saw as undesirable, as the management of roads in the hands of irresponsible boards would be 'ill calculated to benefit the community at large, and by which the public good might continually be sacrificed to local and private interests'.<sup>50</sup> Third, it would require the government to relinquish control of convicts engaged in making and repairing roads, a proposal Franklin thought would be untenable to British authorities, given that road-making was a form of harsh punishment for recalcitrant convicts under the convict system. Finally, he concluded 'that the principle upon which your plan is founded, has been acknowledged in England, is a circumstance furnishing not the slightest reason for its adoption here.'<sup>51</sup> Franklin thought another efficient and less objectionable means of improving roads around the colony could be found.

Therefore, while repudiating the idea of elected commissioners, Franklin in July 1837 announced that a Road bill, modelled on the English *Highways Act* 1835, was to be introduced into the Legislative Council.<sup>52</sup> His plan was to rigorously define high (main) and cross roads, abolish the prevailing system of small convict parties working on roads, and create three large moveable convict parties to work on roads around the colony.<sup>53</sup>

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<sup>49</sup> *ibid.*

<sup>50</sup> *ibid.*

<sup>51</sup> *ibid.*

<sup>52</sup> *HTC*, 14 July 1837.

<sup>53</sup> *HTC*, 21 July 1837.

This in Franklin's opinion would lead to better results in the moral improvement and discipline of the convicts, but also a dramatic increase in their productivity.<sup>54</sup> The bill was introduced into the Council in December, but its progress was delayed as a committee was formed to examine and seek public opinion on its provisions.<sup>55</sup>

In April 1838 the committee produced a report entitled 'Project of a Road Act' which was essentially a bill in draft form.<sup>56</sup> The report proposed dividing roads into 3 classes – main, cross and bye – with main and cross roads to be under the control of the government through the director-general of roads. The director-general was given numerous powers to compensate settlers for land taken to construct roads, and to enter property in order to maintain them. The Lieutenant-Governor would also be authorized to establish tolls on the roads to raise funds for their maintenance. Bye or local roads were to be 'made and kept in repair by the persons interested in them', through landed proprietors choosing one member of their district to be entrusted with the powers of the director-general of roads at a local level.<sup>57</sup>

Franklin put a new road bill to the council in July, broadly based on the committee's report, but with some important alterations regarding bye roads. Instead of an election, Franklin proposed the Lieutenant-Governor appoint annually five to seven commissioners in local districts around the colony. These commissioners would not only be in charge of bye-roads, but also of the maintenance of main and cross roads after the government had finished constructing them. The cost for such repairs was to be defrayed

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<sup>54</sup> *HTC*, 28 July 1837.

<sup>55</sup> *HTC*, 1 December 1837.

<sup>56</sup> See *TC* 25 May 1838.

<sup>57</sup> *HTC*, 13 April 1838.

by the introduction of tolls.<sup>58</sup> However, the progress of the bill was held up by discussion on the committee's report, then by an adjournment of the council, and finally by Franklin's decision to hold over the bill until the next session due to the council's attention being consumed by other matters.<sup>59</sup>

The delay was bemoaned by the *Colonial Times*, which announced that 'from all quarters we are overwhelmed with complaints – bitter, urgent – heart burning complaints, not merely of the bad state of the roads, but of their impassability'.<sup>60</sup> A road bill was therefore urgently needed, though the paper considered the present bill cumbersome, unintelligible and 'very unfair and unequal in its official operating'.<sup>61</sup> The major points of contention were the injustice appointing commissioners with power to strike a rate over all other landholders in their district, and the process by which landholders could appeal the actions of commissioners.<sup>62</sup> Similar concerns were shared by the *Hobart Town Courier*<sup>63</sup> and the *True Colonist*.<sup>64</sup> The bill was intended by Franklin to be reintroduced when the Council met again in June 1839, but was dropped after the Council was occupied with other issues.<sup>65</sup> Meanwhile, the *Colonial Times* criticisms of the poor state of the roads around the colony continued.<sup>66</sup>

Eventually, in the middle of 1840, the bill was resurrected and put to the Legislative Council, but with a new important proviso. The commissioners were now to be elected

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<sup>58</sup> *HTC*, 13 July 1838.

<sup>59</sup> *HTC*, 13 July 1838, 30 November 1838; *AOT*, Executive Council Minutes 1838-1839 (Ref: EC 4/1/6) 15 November 1838 p355-56.

<sup>60</sup> *CT*, 7 August 1838, see also *CT*, 25 September 1838, 9 April 1939.

<sup>61</sup> *CT*, 12 March 1839.

<sup>62</sup> *ibid.*

<sup>63</sup> See *HTC*, 17 April 1840.

<sup>64</sup> *TC* 13 July 1838; 20 July 1838.

<sup>65</sup> *AOT*, Executive Council Minutes 1838-1839 (Ref: EC 4/1/6) 22 June 1839 p555-56.

<sup>66</sup> See *CT*, 30 July 1839, 27 August 1839.

from amongst landholders in each district under a narrow franchise. The *Hobart Town Courier* welcomed the bill, describing it as ‘a measure at once consistent and liberal’.<sup>67</sup> The *True Colonist* was more wary, adding ‘with all its faults, it would be much better for the colony that it should pass into a law, abortive as it is, than the public should remain another year without a Road Act’.<sup>68</sup> The *Colonial Times* on the other hand thought the bill clumsy and unconstitutional.<sup>69</sup> It ‘appears to us to be deficient in apprehension and detail; and extremely selfish and tenacious on the part of the government’.<sup>70</sup> The bill it concluded threatened ‘to shake the foundations of our rights and privileges as British subjects’.<sup>71</sup>

Crucial to understanding the proceedings and outcomes of what would become *the Road Act* 1840 is to examine why Franklin’s attitude towards elected commissioners changed from his earlier reticence in 1837. This requires a brief discussion of the changing circumstances of the early years of Franklin’s administration.

Franklin had arrived in Van Diemen’s Land with the understanding that the finances of the colony were in good shape. He soon became aware that this was not the case.<sup>72</sup> Colonial revenue primarily came from two sources, the land fund (proceedings from the sale of land) and custom duties. With sluggish land sales, Franklin sought to increase custom duties while borrowing heavily to meet government requirements. His problems were exacerbated by the British government. Up until July 1836 the British authorities had met the whole cost of the convict establishment, leaving the colonial revenue

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<sup>67</sup> *HTC*, 24 July 1840.

<sup>68</sup> *TC*, 17 April 1840.

<sup>69</sup> *CT*, 30 June 1840.

<sup>70</sup> *CT*, 18 August 1840.

<sup>71</sup> *CT*, 25 August 1840.

<sup>72</sup> Fitzpatrick, *Sir John Franklin in Tasmania*, p. 214; *Launceston Advertiser*, 30 March 1837.



available for local purposes. However, from July 1836 the cost for police and gaols in the colony was to be transferred from the British treasury to the colonial revenue, therefore reducing the amount of money available for colonial purposes.<sup>73</sup>

The measure was extremely unpopular amongst the colonists, who, as Franklin pointed out to British authorities, regarded police and gaols as an integral part of the convict system desired by the British and whose cost therefore should be rightfully borne by that authority.<sup>74</sup> The Legislative Council reluctantly, and with protests attached, passed estimates for the colony bearing the expense of police and gaols in 1837 and 1838, but in 1839 sought to reduce the contribution towards police paid from the colonial revenue.<sup>75</sup> Protests aside, Franklin realized that maintaining police and gaols would be a considerable burden upon the colony's limited finances. It would also mean less money for badly needed public works.

Along with the economic boom in Van Diemen's Land in 1839 and 1840, this probably prompted Franklin's desire for more local responsibility in road construction. Greater prosperity could justify creating a new local tax or tolls for the maintenance of roads, but more than likely Franklin was aware of the underlying economic problems of the colony, which would mean in less prosperous times local contributions would be needed to keep the colony solvent. Either way, local taxes were unavoidable.

Here Franklin was destined for trouble. The push for self-government and representative institutions from free colonists had begun in earnest in the 1820s. After his arrival, Arthur insisted that Van Diemen's Land was first and foremost a penal colony,

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<sup>73</sup> *ibid.*, p99-100.

<sup>74</sup> *ibid.*, p215.

<sup>75</sup> *ibid.*, p218.

and so colonists had fierce struggles with him over civil rights such as trial by jury and a free press.<sup>76</sup> From the late 1820s and early 1830s colonists sent petitions to England requesting self-government and a representative assembly, and large public meetings were held to encourage the movement in 1827, 1831, 1832 and 1834.<sup>77</sup> But the British position was that, as long as the transportation of convicts continued to the colonies, representative assemblies could not be granted. In 1840 the British government announced that transportation of convicts to New South Wales would cease, and Van Diemen's Land would become the chief receptacle of convicts sent to Australia. This meant that a representative assembly for the colony would not be forthcoming, the British government telling Franklin in that year that 'the continuance of its [Van Diemen's Land] character as a penal settlement has rendered it inexpedient in the opinion of His Majesty's government to propose at present any material change in the institutions of the colony'.<sup>78</sup>

Franklin was well aware that to impose unpopular local taxes upon the colonists would more than likely increase the clamour for self-government. The colonists had after all opposed appointed commissioners under his earlier road bills, and had been vocal in their opposition to the colony maintaining what they deemed as British responsibility for police and gaols. His change in attitude towards elected commissioners was a result of the financial plight of the colony, which necessitated some form of local taxation, with recognition that some sort of representative institution was needed to make this palatable to the colonists. This would stop them from creating greater problems for the government in the future.

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<sup>76</sup> See M. C. I. Levy, *Governor George Arthur*, (Melbourne 1953) Chapter 3.

<sup>77</sup> See R. J. Brain, 'Thomas Gregson: a Tasmanian radical', (Unsubmitted MA manuscript, University of Tasmania, 1955), Chapter 1.

<sup>78</sup> Fitzpatrick, *Sir John Franklin in Tasmania* p. 221.

The shift also during this time from the assignment system to what would become known as the ‘probation’ system of convict administration would have also encouraged Franklin. Under the probation system, convicts would initially work in road gangs before being available for hire at reasonable rates to colonists.<sup>79</sup> Government funded road gangs could open up the interior by constructing main lines of road, with settlers supplementing this work by hiring cheap convict labor to build local roads around their district. The system would then run effectively – convicts in various stages on their punishment would be employed, and the cost of road construction and maintenance shared between settlers and the government.

The first reading of the new road bill was held in the Legislative Council in late August 1840. The second reading was in mid-September, and discussion on the bill was relatively brief. The only opposition to the measure within the Council came from William Lawrence and Thomas Archer, who proposed the bill be postponed for six months to allow further public consultation. They were outvoted by the rest of the council, and the bill had its third reading in early November.<sup>80</sup>

From the beginning of its progress through the Council the bill was greeted unfavourably by the colonists.<sup>81</sup> The government was well aware that this was the case. The Colonial Secretary John Montagu told the Legislative Council that ‘he was aware that the want of some Act to settle the question of roads had caused a great deal of ill-

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<sup>79</sup> See A.G.L. Shaw, ‘The Origins of the Probation System in Van Diemen’s land’, *Historical Studies*, 6 1953-55 pp. 16-27.

<sup>80</sup> *Van Diemen’s Land Legislative Council Votes and Proceedings*, 1840-14842, p. 194, 219, 242-9.

<sup>81</sup> *HTC*, 28 August 1840, *CT*, 27 October 1840, *CT* 3 November 1840.

blood and bad feeling...he had heard that the Act was unpopular'.<sup>82</sup> However, the bill was necessary and Montagu called it an 'Act for the benefit of the people at large'.<sup>83</sup>

The government also thought the bill had been misrepresented by its opponents. For Captain Matthew Forster, it was a 'good and salutary measure' which would increase land values and improve the quality of roads around the colony.<sup>84</sup> Indeed, the influx of cheap convict labour would finally enable the colony to build roads to outlying areas that had been long neglected.<sup>85</sup> Other settlers saw the bill as a good deal for the colony. The immediate future of a representative assembly was uncertain, and a great benefit of the bill was that it would give the colonists some autonomy from the government. For Thomas Macdowell, editor of the *Hobart Town Courier*, the bill was 'conceived and framed in a very liberal spirit', making the colonists 'altogether independent of the government'.<sup>86</sup> The bill could only be an advantage to the colony, and Macdowell confidently predicted 'instead of being a curse, it will prove a blessing to the community'.<sup>87</sup>

Along with some independence, the bill would provide an opportunity to demonstrate to the British authorities that the Van Diemen's Land settlers were capable of representative government. The *Courier* saw it as 'taxation with representation in the midst of a penal colony', and asked: 'are we to delay a good, useful and extremely liberal measure solely on the ground that we have not a representative assembly?'.<sup>88</sup> The paper

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<sup>82</sup> *CT*, 25 August 1840.

<sup>83</sup> *ibid.*

<sup>84</sup> *HTC*, 18 September 1840.

<sup>85</sup> *HTC* 28 August 1840.

<sup>86</sup> *HTC*, 6 November 1840.

<sup>87</sup> *ibid.*

<sup>88</sup> *HTC*, 28 August 1840.

thought not, and saw instead that it was a small step towards a free future.<sup>89</sup> This was a feeling shared by Franklin, who upon the third reading of the bill told the Legislative Council ‘you have given to the country of your birth the most convincing proof that the British parliament might fearlessly extend free institutions on the land of your adoption’.<sup>90</sup> He concluded that ‘in passing by a considerable majority of this council the Road Act, I can assure you, I know of no proceeding more calculated to raise your character in the estimation of the Home Government’.<sup>91</sup>

Opponents saw the bill not as a gift to the colony, but as a trick. It was a means for the government to impose local taxes upon the colonists without the requisite free representative assembly. There could be no ‘taxation without representation’ so the bill had to be opposed on the grounds of being unconstitutional.<sup>92</sup> A meeting condemning the bill was held at Richmond in early November, shortly before the bill was passed at its third reading. It was well attended and featured many of the prominent landholders of the district. Most present were against the bill; one colonist Robert Lathrop Murray, the editor of the *Colonial Times*, called the measure ‘intolerable and odious in the extreme’.<sup>93</sup> However, the meeting was dominated by Thomas Gregson, a distinguished colonist and throughout Arthur’s time a prominent member of the movement for a representative assembly.<sup>94</sup> Gregson regarded the bill as a ‘most pernicious measure, dangerous and destructive to the welfare of the community’.<sup>95</sup> Attacking Franklin and the members of Legislative Council, Gregson saw the bill as an unabashed attempt by the government to

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<sup>89</sup> *HTC*, 30 October 1840.

<sup>90</sup> *HTC*, 6 November 1840.

<sup>91</sup> *ibid.*

<sup>92</sup> See *HTC*, 28 August 1840.

<sup>93</sup> *HTC*, 6 November 1840.

<sup>94</sup> See Brain ‘Thomas Gregson: a Tasmanian radical’, Chapter 1.

<sup>95</sup> *HTC*, 6 November 1840.

curry favour with the authorities back in London. Declaring that ‘constitutionally the measure is odious, and constitutionally we resist it’, Gregson vowed not to pay the future road rate, concluding that ‘I shall never consent to a suicidal Act of this kind – I shall resist it to the last’.<sup>96</sup> A petition of protest was therefore drawn up and sent to Franklin. It stated that, although ‘your petitioners are fully impressed with the belief that it would be extremely desirable for the lines of road throughout the colony to be fixed by law’, the proposed road bill contained a tax that ‘at present constituted, cannot be lawfully levied’.<sup>97</sup> As well as being unconstitutional, the bill was also ‘inapplicable to the circumstances of the colony and condition of the people; not required to meet any particular exigency; unequally oppressive and destructive to the best interests of the colony, and calculated to defeat the object it is intended to effect’.<sup>98</sup>

The protest came too late, and the bill was passed shortly before the Legislative Council was dissolved by Franklin in early November. The *Road Act* 1840 was proclaimed in early December. Its troubled history began immediately. Upon reviewing the legislation, Justice Algernon Montagu of the Supreme Court soon declared the new Act repugnant to the laws of England. He noted some potential problems regarding defining new roads, the powers of commissioners, the appeals process and compensation.<sup>99</sup> This required Franklin to recall the Legislative Council and submit a revised bill encompassing Montagu’s amendments.<sup>100</sup>

After this false start, the new *Road Act* required settlers to call a public meeting in

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<sup>96</sup> *ibid.*

<sup>97</sup> *CT*, 3 November 1840.

<sup>98</sup> *ibid.*

<sup>99</sup> *HTC*, 8 December 1840.

<sup>100</sup> See *CT*, 8 December 1840; 15 December 1840; *HTC*, 29 December 1840.

order to elect the first commissioners for their new road districts. The first such meeting was held in Hobart in late February 1841. Dominated by those colonists opposed to the measure, amidst much argument and confusion regarding the correct procedure of electing commissioners, a motion was put and carried that the 'Act was illegal and void from uncertainty, and that therefore the meeting should dissolve'.<sup>101</sup> This action provoked considerable debate over whether colonists had broken the law of the colony, and the likely ramifications for a representative assembly in the future. The *Courier*, a strident supporter of the new Act, saw the proceeding as 'utterly unworthy of free men, not to say sane ones, and is a gross caricature upon our demand for free institutions'.<sup>102</sup> In not electing commissioners the paper thought the colonists had amply demonstrated that 'we are not fit to be entrusted with the franchise – more particularly that we cannot trust ourselves in the direction of our own affairs'.<sup>103</sup>

Opponents of the Act saw otherwise. A handbill printed and circulated around Hobart celebrated the outcome of the meeting, and proclaimed 'fellow colonists....remember that your silent acquiescence in the payment of that odious land tax...will be the rivetting of your fetters, and the basis whereon to found heavier taxation than that which has reduced us to our present deplorable condition'.<sup>104</sup> The *Launceston Advertiser* announced that 'the Road Act is an unconstitutional, oppressive and unjust measure; to oppose it is a virtue, and any proceeding to accomplish its overthrow is not only in strict accordance with the privileges of the people, but also in direct support of one of the most important

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<sup>101</sup> *HTC*, 23 February 1841.

<sup>102</sup> *ibid.*

<sup>103</sup> *HTC*, 26 February 1841.

<sup>104</sup> *ibid.*

principles of the constitution itself'.<sup>105</sup> Even the *True Colonist*, broadly supportive of the Act, had to note that 'the result of the meeting... is the severest check that the Local Government has ever yet received from the people. It must have taught our rulers, that there is some limits to their power to carry everything with a high hand.'<sup>106</sup>

A second meeting to consider the question of electing commissioners was organized in late March. In an atmosphere described as 'rampant and riotous', one petition signed by 35 persons questioned the *Road Act's* legality. Part of the petition read that '...should this to them obnoxious measure be proceeded in, it will be the forerunner of general taxation, not through the medium of their representatives...but by irresponsible nominees of the crown, who, although comprising the Legislative Council of Van Diemen's Land, can have no right to tax the undersigned, whose interests they do not by election in any way officially represent'.<sup>107</sup> A similar petition signed by 226 householders of Hobart was also presented, believing the Act to be 'inoperative and incapable of being carried into effect'.<sup>108</sup> A resolution condemning the Act was put and carried unanimously amidst loud cheering.<sup>109</sup> The petitions were then carried to government house by a group accompanied by a procession of musicians.<sup>110</sup>

The *Courier* lamented the actions of town folk, but hoped that out in the country districts, where cross and bye roads were desperately needed, the Act would be more warmly welcomed.<sup>111</sup> In early April, the next meeting to elect commissioners under the Act was held at New Norfolk. The meeting was well attended and, in contrast to the

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<sup>105</sup> *Launceston Advertiser*, 4 March 1841; see also 18 March 1841.

<sup>106</sup> *TC*, 26 February 1841.

<sup>107</sup> *HTC*, 23 March 1841.

<sup>108</sup> *ibid.*

<sup>109</sup> *ibid.*

<sup>110</sup> *HTC*, 16 March 1841.

<sup>111</sup> *ibid.*



meetings held in Hobart, was addressed by those in favour of the Act.<sup>112</sup> Despite the best efforts of these gentlemen, however, the landholders present suspected the government's motives for introducing the Act, and voted overwhelming for a motion 'that the colony not having the benefit of an elective representative legislature, the meeting does not consider it expedient at present to proceed with the election of commissioners'.<sup>113</sup>

A further meeting was held in Launceston in August. After much confusion and argument, nominations for commissioners were read out to a silent room. Refusing to elect commissioners, the meeting instead passed a resolution hoping for a new mode of improving the state of roads in the northern part of the colony, 'consistent with our rights and interests'.<sup>114</sup> The *Cornwall Chronicle* welcomed the decision, concluding that 'the meeting was determined not to elect commissioners at all....this unanimous display of the people of Launceston to resist the inflection of taxation imposed by an irresponsible legislature was precisely what might have been expected from them'.<sup>115</sup>

After a convoluted birth, Franklin's *Road Act* was a failure. Although the government held out hopes that the settlers would come to embrace the Act with time,<sup>116</sup> by October 1841 the *Courier* declared the *Road Act* was for all intents and purposes a dead letter.<sup>117</sup> Strongly resisted by settlers, the *Courier* could only wonder what it would mean for the colony because 'the unparalleled resistance will prove in the first place that we are creatures of momentary impulse...and so far from adding to our claims upon the Home government for an extension to us of all civil privileges, it will most assuredly subtract

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<sup>112</sup> See *HTC*, 2 April 1841, 6 April 1841.

<sup>113</sup> *CC*, 17 April 1841.

<sup>114</sup> *CT*, 10 August 1841; see also *Launceston Advertiser*, 12 August 1841.

<sup>115</sup> *CC*, 7 August 1841.

<sup>116</sup> *HTC*, 24 September 1841; see also *HTC*, 9 September 1842.

<sup>117</sup> *HTC*, 8 October 1841.

from them'.<sup>118</sup> The *Colonial Times* disagreed. If anything, the actions of the colonists demonstrated how strongly they desired free institutions: 'we repeat, that if we rightly understand the opinion of the colonists, that they are ready and willing to take charge of the roads and other public labour of the colony, on condition of being authorized to manage the concern themselves'.<sup>119</sup>

The *Road Act* arose from the poor state of roads in the colony, public dissatisfaction with the work of the road department, and the desire by Franklin to defray some of the financial burden of public works. But it resulted in a discussion about the relationship between local government institutions and representative government. For Franklin, and some colonists, local institutions could exist separately from an elected free representative assembly. Indeed, local institutions could be a means towards such an end. However, as the aftermath following the proclamation of the *Road Act* demonstrates, a significant section of settlers in early 1840s saw the matter differently. For these settlers there was an inextricable link between local institutions and a broad representative assembly, there could be no local taxation 'without representation'. Therefore, while as law its influence was negligible, the *Road Act* 1840 did cast a long shadow over future debate concerning road construction and maintenance during the 1840s.

### *The Cross and Bye Roads Act 1852*

Franklin departed Van Diemen's Land in 1842, and so left the problem of deteriorating roads around the colony<sup>120</sup> to his successor, Sir John Eardley-Wilmot. The

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<sup>118</sup> *HTC*, 13 April 1841.

<sup>119</sup> *CT*, 13 April 1841.

<sup>120</sup> *CT*, 4 January 1842; 11 January 1842; 13 December 1842.

main task for Eardley-Wilmot was to successfully administer the new probation system of convict punishment which had begun to replace the old assignment system under Franklin.<sup>121</sup> Road making, along with clearing and improving crown land, fencing and constructing public buildings, was the cornerstone of the probation system, with gangs of 250-300 men sent into the interior to carry these works.<sup>122</sup>

Eardley-Wilmot was also instructed by the colonial office that, along with a more effective punishment and reformation of convicts, two other objectives were required: costs upon the British treasury were to be kept to a minimum, and the probation system was to be made as self-sufficient as possible.<sup>123</sup> The results were less than expected. The *Hobart Town Courier* in 1845 bemoaned the fact that the main line of road was in disrepair in some parts, and that townships and settled districts 'are connected with each other and with the main line by mere "bush roads" scarcely tolerable in summer and all but impassable during the long months of winter'.<sup>124</sup>

Eardley-Wilmot inherited a colony in dire financial circumstances due to the onset of an economic depression from the early 1840s.<sup>125</sup> Smaller than expected revenues from land sales and duties had already forced Franklin to cut back on public works,<sup>126</sup> and Eardley-Wilmot soon realized that further cuts in public expenditure would be needed for the colony to remain solvent. The problem was, as Fitzpatrick succinctly puts it, 'the cost of an inherently expensive probation system was vastly increased at a time when the

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<sup>121</sup> See A. G. L. Shaw, *Convicts and the Colonies: a study of penal transportation from Great Britain and Ireland to Australia and other parts of the British empire*, (Carlton 1977) Chapter 13.

<sup>122</sup> Brand, 'Charles La Trobe and the Van Diemen's Land Probation System', p. 51.

<sup>123</sup> Shaw, *Convicts and the Colonies*, p. 299.

<sup>124</sup> *HTC*, 11 March 1845.

<sup>125</sup> See R. M. Hartwell, *The Economic Development of Van Diemen's Land 1820-1850*, (Carlton 1954).

<sup>126</sup> R. M. Hartwell, 'The Van Diemen's Land Government and the Depression of the 1840s', *Historical Studies*, 4, 1949-51, p. 192.

British government was no more willing and the colony far less able than before to meet it'.<sup>127</sup> Throughout his short administration, Eardley-Wilmot would be plagued by the financial crisis of the colony, and the penal and political problems this crisis would create.<sup>128</sup>

In his opening speech to the Legislative Council in October 1843, Eardley-Wilmot warned that the 'strictest economy in every branch of the public expenditure' would be required.<sup>129</sup> This would subsequently mean that with regard to roads, local settlers would have to contribute — either in tolls or rates — to their construction and maintenance.<sup>130</sup> This had been common practice in New South Wales since Macquarie's reign and was being contemplated during the 1840s in other colonies. Indeed, British authorities had long encouraged the idea of local responsibility for local roads, primarily as an attempt to curb the expenditure on public works by colonial governors. In 1812 Macquarie had been told that 'if the expence of erecting quays, wharfs and bridges, and of making streets and roads cannot be borne by the free settlers and by those who are to receive the immediate benefits from these improvements, it may be presumed that the colony is not yet in a state sufficiently advanced to render the constitution of such works necessary'.<sup>131</sup>

The problem was that the colonists of Van Diemen's Land had traditionally seen road-building as the responsibility of the Lieutenant-Governor, especially as long as Van Diemen's Land remained a penal colony, with the financial burden borne preferably by the British government or (somewhat more reluctantly) by the colonial or general

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<sup>127</sup> K. Fitzpatrick, 'Mr Gladstone and the Governor: the recall of Sir John Eardley-Wilmot from Van Diemen's Land 1846', *Historical Studies*, 1, 1940-41 p. 40.

<sup>128</sup> See Shaw 'Sir John Eardley-Wilmot and the Probation System in Tasmania' pp. 5-19.

<sup>129</sup> *HTC*, 27 October 1843.

<sup>130</sup> *HTC*, 1 December 1843.

<sup>131</sup> Liverpool to Macquarie, 5 May 1812, *HRA*, 1 ser. 7 p. 481.

revenue.<sup>132</sup> What the settlers on the 1830s and early 1840s wanted was not financial responsibility for local roads, but greater control over the work of the road department in order to make it more efficient and accountable. It was commonly accepted that only the Imperial or colonial government had the resources to construct and maintain good roads.<sup>133</sup>

Therefore, with the colony in the midst of economic depression, the news that settlers would have to contribute financially to road construction was greeted with some trepidation. The *Colonial Times* thought imposing local taxation during the present state of the colony would be ‘impolitic, if not cruel’.<sup>134</sup> The *True Colonist* agreed, suggesting that if the burden of police and gaols was relieved by the Imperial government then more money from the general revenue would be available for new roads.<sup>135</sup> In October 1844, a meeting held in Richmond attempted to resuscitate Franklin’s *Road Act* and elect commissioners, but failed as the meeting overwhelming declared that in dire economic times they could simply not afford to pay tolls or rates.<sup>136</sup>

The financial problems of the colony just increased the government’s resolve. In September 1844, the Colonial Secretary J. E. Bicheno announced to the Legislative Council that ‘the time had arrived when the colony and its inhabitants should do something for themselves in the making of roads’.<sup>137</sup> At the beginning of 1845 with the colony heading towards bankruptcy, Eardley-Wilmot made cuts in public expenditure,

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<sup>132</sup> See petition to Arthur from Launceston residents, *Launceston Advertiser*, 20 September 1830; see also *CT*, 3 January 1843.

<sup>133</sup> See *HTC*, 6 November 1840.

<sup>134</sup> *CT*, 26 December 1843.

<sup>135</sup> *TC*, 17 May 1844.

<sup>136</sup> *TC*, 31 October 1844.

<sup>137</sup> *HTC*, 28 September 1844.

applied to borrow money to meet current debts, and proposed a raft of new taxes.<sup>138</sup> In February, Eardley-Wilmot told the Legislative Council of his intention to submit a new road bill, containing within it a provision that the government would assist settlers by matching them on a pound to pound basis the funds they raised for construction and maintenance.<sup>139</sup>

However, in July, when Eardley-Wilmot released publicly his road bill, this provision had been dropped. Instead, the new bill proposed to place tolls along the main line of road from Hobart to Launceston as well as on cross and bye roads. The latter were to be placed not in the hands of settlers but local magistrates of the court of Quarter Sessions.<sup>140</sup> The bill was opposed by the colonists, the *Hobart Town Courier* asserting it was 'wholly unsuited to the circumstances and condition of the colony, so that by its adoption we...subject ourselves to unsupportable burdens'.<sup>141</sup> The *Hobart Town Advertiser* also thought the bill sought only 'to bolster up the deficiencies of a failing and recklessly squandered revenue by more taxation', adding that 'we are already taxed far beyond what we can afford'.<sup>142</sup>

Indignant meetings were held around the colony with the road bill lumped in with the other proposed and unpopular new taxes. Colonists declared the new taxes unconstitutional, and the cry went up again that there could be no local taxation 'without representation'.<sup>143</sup> Particular grievances against the road bill included placing roads in

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<sup>138</sup> Hartwell, 'The Van Diemen's Land Government and the Depression of the 1840s', p. 193.

<sup>139</sup> *HTC*, 22 February 1845.

<sup>140</sup> *Hobart Town Advertiser* (HTA), 2 July 1845.

<sup>141</sup> *HTC*, 26 July 1845.

<sup>142</sup> *HTA*, 18 July 1845.

<sup>143</sup> See *HTA*, 29 July 1845; 1 August 1845; 5 August 1845; *HTC* 30 July 1845.

the hands of unaccountable magistrates, as well as that the toll system would unjustly burden some agriculturalists and country settlers more than others.<sup>144</sup>

The new bill was put to the Legislative Council in early August. Eardley-Wilmot acknowledged that it had been unfavorably received, but believed that with some alterations it would be approved.<sup>145</sup> The Attorney-General Thomas Horne added that it heralded a new dawn, proclaiming that 'the time had come now when the aid of government in road-making must be very much diminished...the roads could no longer be entirely maintained by government'.<sup>146</sup> While official members of the government favoured the bill, the unofficial members were decidedly against it. Gregson declared the bill unconstitutional, that colonists lacked the capacity to pay new taxes, and that the principle of tolls punished enterprising settlers trying to make a living off the land.<sup>147</sup> An amendment that the bill be read in six months was narrowly won, seven votes to six.<sup>148</sup>

Eardley-Wilmot's other attempts at taxation were met with a similar rancour and result, and so along with economic misery the colony was plunged into a political crisis, eventually resulting in the removal of the 'patriotic six' and the addition of new members of the Legislative Council more sympathetic to Eardley-Wilmot's administration.<sup>149</sup> Eardley-Wilmot therefore reintroduced the 1845 bill in August 1846, albeit in two parts. The first bill was a 'Main Road Act' establishing tolls on the main line between Hobart and Launceston.<sup>150</sup> The second bill, 'an Act for regulating cross and bye roads', was similar again to the 1845 bill. Cross and bye roads were to be put under the control of

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<sup>144</sup> *HTC*, 30 July 1845.

<sup>145</sup> *HTC*, 2 August 1845.

<sup>146</sup> *HTA*, 12 August 1845.

<sup>147</sup> *ibid.*

<sup>148</sup> *ibid.*

<sup>149</sup> See Townsley, *The Struggle for Self-Government*, p. 80-86.

<sup>150</sup> *HTC*, 26 August 1846.

magistrates of the Court of Quarter Sessions, who were able to establish tolls to construct and maintain roads, as well as assess lands and strike a levy for the same purpose. Settlers had to apply to the courts for such roads to be constructed.<sup>151</sup>

The bills were again disapproved of by the colonists. A meeting of New Norfolk residents rejected the principle of the new bills, a subsequent petition in part stating:

...as long therefore as we are treated purely as a penal colony and that not only our land fund but a great portion of our other revenue is applied to commit purposes hostile to the interests of the settlers, and that we are deprived of a representative assembly, we conscientiously believe the government is bound to make the roads, and so long as this system is continued your petitioners but respectfully protest against taxation.<sup>152</sup>

Despite such pleas, the road bills were passed without too much critical comment by the new Legislative Council in September 1846.<sup>153</sup> They pointed to a new era in road-making in Van Diemen's Land. Previously roads had been considered the sole prerogative of the central government. The settlers saw roads as a public resource appropriately funded from the public purse. Now, difficult economic times had seen the government admit that it could not solely fulfil the task of road construction and maintenance, and sought to shift some of this burden onto local settlers. Once a public resource, by virtue of these Acts roads were becoming seen as a private concern – paid and maintained by local landholders or those that principally used them. The instigator of this new era, however, did not get to see the fruit of his labor as Eardley-Wilmot learned of his recall in October 1846 and died shortly after.

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<sup>151</sup> *HTC*, 5 September 1846.

<sup>152</sup> *HTA*, 18 August 1846.

<sup>153</sup> *HTC* 26 September 1846; 30 September 1846, see *Main Roads Act 1846 & Cross and Bye Roads Act 1846*.



Eardley-Wilmot's replacement was Sir William Denison, who arrived in Van Diemen's Land in January 1847. He was met by a colony deeply dissatisfied with the condition of its roads. The major road statutes of Denison's predecessors had been unpopular, with colonists against local taxation without some sort of free assembly and reticent to pay tolls. The probation system, which colonists initially thought would be a boon for roads around the colony, had turned out in this respect to be a failure.<sup>154</sup> The *Hobart Town Advertiser* noted that 'the state of the roads throughout the colony has for the last few years become worse and worse every winter. The old tracks have become all but impassable. The made roads are being fast destroyed. The communication through the country is now therefore slow, difficult and precarious'.<sup>155</sup>

Denison's initial attempt to solve the problem was a proposal in which settlers could hire out convict parties on generous terms to construct and maintain roads.<sup>156</sup> The idea was unpopular with the colonists,<sup>157</sup> who instead urged Denison to introduce a new road bill, giving settlers greater control over local roads funded by modest local contributions along with substantial government aid.<sup>158</sup> In response, Denison in January 1848 announced he intended to submit a new road bill to the Legislative Council based upon the principle that road construction and maintenance 'must be carried out by the means and at the discretion of the parties most interested – that is, the inhabitants of the districts'.<sup>159</sup>

The new bill – 'An Act for constructing, regulating and maintaining certain cross and

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<sup>154</sup> See *HTA*, 19 March 1846; 6 July 1846.

<sup>155</sup> *HTA*, 3 August 1847; see also 19 March 1847, 6 July 1847.

<sup>156</sup> *HTC*, 21 August 1847; 1 September 1847; 8 September 1847; 15 September 1847.

<sup>157</sup> See *HTA*, 21 September 1847; 1 October 1847; *HTC* 6 October 1847.

<sup>158</sup> *HTA*, 21 September 1847, 26 November 1847.

<sup>159</sup> *HTC*, 29 January 1848.

bye roads in the island of Van Diemen's Land', was similar in many respects to Franklin's *Road Act* of 1840.<sup>160</sup> Landowners were able to proclaim road districts and elect commissioners, who would be empowered to construct roads and assess lands and levy a rate in order to do so.<sup>161</sup> Put to the Legislative Council in March, the bill's progress through its first and second readings was relatively smooth, although numerous amendments were made.<sup>162</sup> One alteration in committee was to increase the maximum rate allowed to be levied by commissioners, as it was felt that the original rate of four pence per acre was too low and would not provide adequate funds for the construction of quality roads. Council members then debated whether crown land should be assessed and rated in order to further assist landowners with the cost of road-making. Denison, however, was unsure whether he was able to authorize such a measure and so the provision was struck out.<sup>163</sup> Therefore, on the third reading, the Council threw out the bill on the grounds that to rate only private property would be an unfair imposition on the colonists.

Unsuccessful with his attempt to introduce a general road bill, but with roads around the colony in a deplorable condition, Denison tried a different approach. He encouraged local districts to petition the government requesting a local Act in order to obtain 'the benefit of good roads'.<sup>164</sup> The process was to be entirely voluntary, thereby minimizing potential criticism of the government, but would enable those districts willing to bear financial responsibility for roads to do so. The offer was soon taken up by some settlers.

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<sup>160</sup> AOT, Colonial Secretary Office: General Correspondence files, correspondence in relation to the Road Act 1848 (Ref: CSO 24/85 file no. 1279).

<sup>161</sup> HTA, 25 February 1848.

<sup>162</sup> HTC, 11 March 1848, 15 March 1848, 18 March 1848.

<sup>163</sup> HTC, 16 September 1848.

<sup>164</sup> HTA, 21 April 1848.

In May 1848, a meeting took place to discuss improving Brown's River road between Hobart and Sandy Bay.<sup>165</sup> A bill was subsequently drafted, put, and passed by the Legislative Council becoming the *Brown's River Road Act* 1848.

The Act applied only to roads between Hobart and Brown's River and allowed landowners to elect seven commissioners annually, who were authorized to erect and collect tolls but not assess lands or strike a rate. The *Advertiser* welcomed the move taken by the Sandy Bay residents, and urged other districts to follow their lead.<sup>166</sup> After holding local meetings, two other districts did so, and bills were soon passed allowing tolls to be established on the bye roads connecting Elderslie to the main road<sup>167</sup> and on the roads between Launceston and Paterson's Plains.<sup>168</sup> At the same time, a bill was also passed improving the collection of tolls on the main road between Hobart and Launceston.<sup>169</sup>

But tolls, while an important step towards encouraging colonists to accept some financial responsibility for road maintenance, were really only effective on busy thoroughfares. In the more remote parts of the country, the government soon realized, tolls would have to be supplemented with some sort of assessment on local lands. When Bothwell residents petitioned the Council in 1849 for a *Road Act* similar to those passed the year before, a provision for commissioners to assess local property and levy a rate was included in the proposed bill.<sup>170</sup> The unofficial opposition members of the Council vehemently opposed the provision, arguing that such a measure could only be included

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<sup>165</sup> *HTA*, 2 May 1848, *HTC* 3 May 1848, 17 May 1848.

<sup>166</sup> *HTA*, 26 July 1848.

<sup>167</sup> *Elderslie Road Act* 1848.

<sup>168</sup> *Paterson's Plains Road Act* 1848.

<sup>169</sup> *Main Roads Act* 1848.

<sup>170</sup> *HTC*, 11 August 1849; Bothwell Road Committee to John Leake, 2 August 1849, *University of Tasmania Special Collection*: Leake Family Papers Bothwell Road Trust (Ref: L1/F44-5).

by an elective assembly.<sup>171</sup> Denison deflected the criticism, stating the bill had been framed 'in strict accordance to the wishes of the inhabitants',<sup>172</sup> and the bill was passed by the Council in September.<sup>173</sup> Declaring the bill unconstitutional,<sup>174</sup> the *Courier* was furious, and warned future Bothwell commissioners to levy a rate 'at their peril'.<sup>175</sup> The *Colonial Times* also described the bill as 'obnoxious' and hoped that Bothwell residents would do all in their power to prevent the Act from being carried out.<sup>176</sup>

Unlike in 1841, this time there were no angry meetings, no defiant speeches against local taxation 'without representation'. No doubt the fierce debate over the continued transportation of convicts to the colony absorbed much of the attention and energy of the colonists.<sup>177</sup> But circumstances in the colony were different to that of 1841 — the push for an elective representative assembly was progressing and by 1849 was just over the horizon,<sup>178</sup> the economy was in better shape than the early 1840s, and, most importantly, the Act applied only to Bothwell and not to the whole colony. The local taxation pill was easier to swallow in 1849 than in 1841.

Criticism was muted, too, by the knowledge that greater measures were needed to fix roads in the interior, described by the *Courier* in 1850 as being in a 'wretched' state.<sup>179</sup> Throughout his administration Denison sought to encourage local settlement in outlying

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<sup>171</sup> *HTC*, 11 August 1849.

<sup>172</sup> *HTC*, 15 August 1849.

<sup>173</sup> See *Bothwell Roads Act* 1849.

<sup>174</sup> *HTC*, 1 September 1849.

<sup>175</sup> *HTC*, 6 October 1849.

<sup>176</sup> *CT*, 7 September 1849.

<sup>177</sup> See D. Huon, 'By Moral Means Only: the origins of the Launceston anti-transportation league 1847-1849', *THRAPP*, 44(2) 1997 pp. 92-119; A. McLaughlin, 'Against the League: fighting the hated stain', *Tasmanian Historical Studies*, 5(1) 1956-57 pp. 76-104; H. Reynolds, 'That Hated Stain: the aftermath of transportation in Tasmania', *Historical Studies*, 14 1969-71 pp. 19-31; R. W. Marriott, 'The Anti-Transportation League in Van Diemen's land 1845-1853: a study in early pressure group tactics', *Twentieth Century*, 29 1975 pp. 36-56.

<sup>178</sup> See L. L. Robson, *A History of Tasmania*, (Melbourne 1983) Vol. 1, Chp. 24.

<sup>179</sup> *HTC*, 10 April 1850.

timbered parts of the island, seeing this as a vital means of retaining the native-born and attract free immigrants to the colony.<sup>180</sup> Poor roads hindered these efforts.

The colonists recognized this, and between 1849 and 1851 a series of meetings held around the island discussed the state of local roads and proposed various solutions.<sup>181</sup> Local bills establishing tolls on the roads leading from Westbury and Longford were passed in 1849 and 1850 respectively,<sup>182</sup> while a bill authorizing tolls and a levied rate was passed for the district of Hamilton.<sup>183</sup> But a general feeling was that a new road bill was required, though some colonists thought this could only be introduced after a representative assembly had been granted to the colony.<sup>184</sup>

Such an assembly occurred in 1851, with the *Australian Colonies Act* providing Van Diemen's Land with a partly-elective Legislative Council, which first sat in January 1852 after an election held in the previous October. In his opening speech to the new Council, Denison announced the early introduction of a bill for the 'construction, regulation and maintenance' of cross and bye roads on the island.<sup>185</sup> The aim was to establish 'a system of internal communication as perfect as possible', that would facilitate 'cheap and speedy intercourse which enable the inhabitants of one country to feel and act as one whole instead of a mere set of separated and isolated communities'.<sup>186</sup> Modelled on the existing local Acts for the districts of Bothwell and Hamilton, the new bill would hand control of local roads from magistrates to elected trustees, who would be empowered to erect tolls

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<sup>180</sup> Robson, *A History of Tasmania*, p449.

<sup>181</sup> Meetings were held in Richmond, Huon, Fingal, New Norfolk, Sorell, George Town, Oatlands and Deloraine.

<sup>182</sup> *Westbury Road Act* 1849, *Longford Road Act* 1850.

<sup>183</sup> *Hamilton Road Act* 1850.

<sup>184</sup> See *HTC*, 12 June 1850.

<sup>185</sup> AOT, Colonial Secretary Office: General Correspondence files, draft of Cross and Bye Roads Bill 1852 (Ref: CSO 24/286 file no. 6381).

<sup>186</sup> *HTC*, 10 January 1852.

and levy rates for their upkeep. Furthermore, Denison outlined a program for generous government aid, with money from the land fund to be used to pay for surveyors to assist the new road trusts and match on a pound for pound basis contributions raised locally for certain roads.<sup>187</sup>

The new bill was put to the Council in late January and was warmly received by its members, most of whom remarked that such a measure was urgently required.<sup>188</sup> The bill therefore passed smoothly through the Council and was proclaimed in March 1852. The new *Cross and Bye Roads Act 1852* formally established the road trust system throughout the colony. The Act empowered the Lieutenant-Governor to divide the island into road districts, upon the requisition of five landholders and five householders, with each road district to elect a trust of between three and seven members. These members were to be elected annually, and a scale of votes was apportioned to the wealth of local landholders for this purpose.<sup>189</sup> The trustees were responsible for the construction, repair or maintenance of cross and bye roads in their district, and to assess land, strike a rate, and erect toll-bars to enable them to do so.<sup>190</sup> Crown land was able to be assessed and rates levied, with the money going to the government who would then re-distribute it as aid. Trustees were given discretionary powers over the dimensions of local roads, and able to appoint government funded surveyors to assist in the marking out and construction of roads.

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<sup>187</sup> *ibid.*,

<sup>188</sup> *HTC*, 11 February 1852.

<sup>189</sup> Under 3 shillings 9 pence 1 vote; between 3 Shillings 9 pence and 7 Shillings 6 pence 2 votes; between 7 shillings 6 pence and 15 shillings 3 votes; between 15 shillings and 30 shillings 4 votes, over 30 shillings 5 votes.

<sup>190</sup> Cross Roads - defined as roads from town to town, town to main road, or town to navigable river; Bye roads were defined as roads leading from farms or other private property to cross or main roads.

The *Cross and Bye Roads Act* completed a task begun by Franklin – encouraging settlers to take greater financial responsibility for roads in their local area. It was part of a broader process of shifting the traditional view of roads as a public resource paid from the public purse to a view of roads as a private concern whose upkeep should be borne by individuals most closely connected or interested in them. This was a result of the poor economic condition of the colony from the early 1840s in which the government of Van Diemen's Land was increasingly unable to shoulder the total burden of road construction and maintenance. Instead, the government found that it had to introduce some measures to persuade settlers to accept some financial responsibility for local roads.

Franklin's proposal was to place local roads in the hands of elective district commissioners able to levy rates in order to maintain them, but his *Road Act* failed because the colonists were unwilling to accept local taxation without some sort of representative assembly. While this opposition delayed the introduction of road trusts, Eardley-Wilmot had some success into pioneering a new era of local responsibility through the establishment of tolls on main and bye roads around the colony. But it was left to Denison to create a general scheme of local control over local roads. His success in passing the *Cross and Bye Roads Act* was due to the colonists' opposition to local taxation being tempered by the introduction of a partially-elective Legislative Council, as well as the poor condition of roads around the colony after over a decade of neglect fostering a desire for some solution to the problem. Most importantly, after an attempt to pass a general road bill failed in 1848, rather than coerce settlers into local responsibility, Denison instead adopted a voluntary piecemeal solution to deal with the problem.

The contribution of the early history of the road trust system towards what would become the permissive system of local government is threefold. Firstly, it signified an effort by the colonial government to shift some of its financial burdens onto settlers, due in part to the economic condition of the colony, but also from a developing attitude that it was only right for colonists to pay for infrastructure from which they derived benefits. Secondly, it highlighted the link made by colonists between local institutions and the broader question of representative government. Local institutions did not exist separately from other broader issues of political and civil freedom, but instead were an integral part of creating a free colony. Finally, the defeat of several general road bills and the success of the local Acts under Denison in introducing road trusts in the colony encouraged the practice of the voluntary *ad-hoc* manner of introducing local institutions into rural Tasmania. These issues will be further explored in the next chapter.



## Chapter Two: The Permissive System of Local Government: the early municipal history of Tasmania 1838-1858

Municipal government is tied to the growth of towns throughout human history and the problems that arise with urbanization.<sup>1</sup> Municipal administration dates back to ancient times,<sup>2</sup> and the concept of a corporation, or a body of persons possessing a corporate personality, comes from the Romans.<sup>3</sup> However, the origins of modern European municipal government are to be found with the granting of town charters during the medieval period.<sup>4</sup> Granted by the crown, charters gave a town special legal status enabling it to make by-laws, hold a common seal, hold property in succession and appear in courts of law.<sup>5</sup> Most importantly, charters gave the citizens of the town some degree of independence from the ruling authority, and the opportunity to regulate their own affairs.<sup>6</sup> Town charters then gave way to the idea of municipal corporation, defined by Munro as comprising four characteristics — a charter establishing corporate powers; a corporate name in which all its acts are done, validated by a corporate seal; a body of inhabitants exercising corporate powers, either directly or by elected representatives; and a limited area in which corporate powers are to be exercised.<sup>7</sup> Unlike charters in the

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<sup>1</sup> V. Bogdanor (ed.), *The Blackwell Encyclopedia of Political Institutions* (Oxford 1987) p. 337.

<sup>2</sup> J. S. Reid, *The Municipalities of the Roman Empire*, (Cambridge 1913); D. C. Braund, *The Administration of the Roman Empire* (241BC – AD193), (Exeter, 1988); O. F. Robinson, *Ancient Rome: city planning and administration*, (London 1992).

<sup>3</sup> W. B. Munro, *Municipal Government and Administration*, (New York 1923) vol. 1 p. 173.

<sup>4</sup> See J. Tait, *The Mediaeval Borough: studies on its origins and constitutional history* (Manchester 1968); W. Holdsworth, *A History of English Law*, (London 1981) Vol. 10, Chapter 2 .

<sup>5</sup> W. B. Munro, *Municipal Government and Administration*, p. 173.

<sup>6</sup> See C. Gross, *The Gild Merchant: a contribution of British municipal history*, (Oxford 1890) Vol. I chapter VI; S. H. Rigby & E. Ewan, 'Government, Power and Authority 1300-1540', in P. Clark (ed.) *The Cambridge Urban History of Britain*, (Cambridge 2000) Vol. 1 pp. 291-312; I. Archer, 'Politics and Government 1540-1700', in P. Clark (ed.) *The Cambridge Urban History of Britain*, (Cambridge 2000) Vol. II pp. 235-262.

<sup>7</sup> W. B. Munro, *Municipal Government and Administration* p. 198; Weibaum suggest five characteristics of a properly incorporated town – perpetual succession; power of suing and being sued; power to hold lands;

medieval period that often gave towns some autonomy from the central government, a significant feature of modern municipal corporations was their strict subordination to the control of the State.<sup>8</sup>

Traditionally, the early local government history of Australia is divided into two periods — the attempt by the British authorities to introduce local institutions into the colonies during the convict period, and the establishment of the so-called ‘permissive’ system of local government after most of the colonies had been granted responsible government in the mid-1850s.<sup>9</sup> While historians have broadly recounted the details of this early history,<sup>10</sup> most notably F. A. Larcombe’s history of local government in New South Wales,<sup>11</sup> a substantial explanation of why the permissive system of local government came into existence in colonial Australia has not yet been offered. At best, the introduction of the permissive system is usually attributed to the checkered history of these early bodies and the public apathy that often greeted them.<sup>12</sup>

The municipal history of the colony of Tasmania during the 1840s and 1850s has been well covered by articles from Stefan Petrow<sup>13</sup> and Michael Roe,<sup>14</sup> and to a lesser extent

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common seal; and the authority to issue by-laws; M. Weibaum, *The Incorporation of Boroughs*, (Manchester 1937) p.18.

<sup>8</sup> Bogdanor, *The Blackwell Encyclopedia of Political Institutions* p. 337.

<sup>9</sup> J. Power, R. Wettenhall, and J. Halligan ‘Overview of Local Government in Australia’, in J. Power, R. Wettenhall, J. Halligan (ed.), *Local Government Systems of Australia*, (Canberra 1981) p. 7-8.

<sup>10</sup> H. E. Maiden, *The History of Local Government in New South Wales*, (Sydney 1966); G. H. Knibbs, *Local Government in Australia*, (Melbourne 1919); M. Jones, *Managing Local Government: leadership in the 21<sup>st</sup> century*, (Melbourne 1989) Chp. 6.

<sup>11</sup> F. A. Larcombe, *The Origin of Local Government in New South Wales*, (Sydney 1973).

<sup>12</sup> B. Dollery, and N. Marshall (ed.), *Australian Local Government: reform and renewal*, (South Melbourne 1997) p. 18-19; M. Jones, *Local Government and the People: challenges for the eighties*, (West Melbourne, 1981) p. 30-31; R. J. K. Chapman and M. Wood, *Australian Local Government: the federal dimension*, (Sydney 1984) p. 22.

<sup>13</sup> S. Petrow, ‘A Painful Birth: municipal government in Hobart Town 1845-57’, *Tasmanian Historical Research Papers and Proceedings* (THRAPP) 49(3) 2002 pp. 203-224.

<sup>14</sup> M. Roe, ‘The Establishment of Local Self-Government in Hobart and Launceston, 1845-1858’, *THRAPP*, 14 1966-67 pp. 21-45.

by Ralph Chapman<sup>15</sup> and Roger Wettenhall.<sup>16</sup> However, they have dealt mostly with the establishment of municipal councils in the towns of Hobart and Launceston, and said little about the creation of rural municipalities in the colony. Little, too, has been written describing the circumstances surrounding the introduction of the permissive system of local government into Tasmania, though Wettenhall has briefly noted that a desire for decentralization was a contributing factor for it.<sup>17</sup>

The aim of this chapter therefore is to provide an explanation of why the permissive system of local government was adopted in Australia, and to chronicle its introduction into the colony of Tasmania in the 1850s. It will argue that the permissive system arose from the troubled history of many of the early municipal bodies established in the Australian colonies during the early 1840s. These bodies had been created by ruling authorities during the economic depression of the decade as a means of relieving the colonial treasury of financial burdens, particularly public works and police. But they were met with a mixture of apathy and hostility by colonists, unwilling to accept increased local taxation in difficult economic times, and so many of the early municipal bodies floundered from a lack of revenue and public support. Two lessons were subsequently drawn by authorities from this early experience with municipal institutions in the colonies — that local government could not be imposed on a population unable or unwilling to support it, and that local institutions would have to be adapted to suit Australian conditions.

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<sup>15</sup> R. Chapman, 'Tasmania' in J. Power, R. Wettenhall, and J. Halligan (ed.), *Local Government Systems of Australia*, (Canberra 1981) pp. 711-715.

<sup>16</sup> R. L. Wettenhall, *A Guide to Tasmanian Government Administration*, (Hobart 1968) p. 311-313.

<sup>17</sup> R. L. Wettenhall, 'Towards a Reinterpretation of Tasmania's Local Government History', *Journal of the Royal Australian Historical Society*, 67 1981-82 p. 111.

These lessons were taken into account by British authorities when drafting new constitutions for responsible government for the colonies in the late 1840s. Municipal government was very much desired, especially as a means of fostering decentralization and ensuring that the colonies remained financially solvent on gaining independence, but the problem remained of how to introduce local institutions into a land which had hitherto not embraced them all that enthusiastically. The solution was to reject a compulsory comprehensive system of municipal government and instead favour a more voluntary and piecemeal — permissive — system.

The new system was based upon four tenets — that control of municipal government was to be put in the hands of colonial legislatures; that the Governor would have discretion in proclaiming new municipal councils, ensuring that settlers were not coerced into forming them; that generous government aid should be available to help fledgling municipal bodies onto their feet; and that different local authorities could be created to suit Australian conditions. Thus the system of local government prevalent in England — municipal bodies co-existing alongside local authorities for special purposes — was replicated in the colonies.

An anomaly of the new system was that, by vesting control of local government in colonial legislatures, the task of decentralization was left to the central authority. Fortunately, in Tasmania at least, there was a desire to divest the central government of some of its powers, responsibilities and financial burdens. This was, in part, to encourage decentralization, but also required due to the poor financial state the colony had found itself in by the mid-1850s. The chapter will then conclude by detailing the introduction

of urban and rural municipal government into the colony, and what was expected of the permissive system of local government.

*Tentative Beginnings: municipal government in the Australian colonies during the  
1840s*

The origins of municipal government in Australia can be traced to the late 1820s and early 1830s. In Van Diemen's Land, Lieutenant-Governor George Arthur in 1829 set up a committee to report on the possibility of supplying water, lighting and paved streets to the towns of Hobart and Launceston by means of an assessment on local property.<sup>18</sup> While the committee was sympathetic towards municipal institutions, it estimated the cost of such works would be prohibitive. Although Arthur was open to the idea of incorporating the towns, even proposing at one stage a full annually-elected municipal council for Hobart in charge of police and public works elected by householders who paid forty shillings quit-rent per annum, the British government rejected the proposal on the grounds that the colony was not suitably advanced enough.<sup>19</sup> This sentiment seems to have been shared in the colony, the *Launceston Advertiser* for instance, called Arthur's proposal 'an error of magnitude, it is an undertaking far beyond the powers, or to speak more plainly, far beyond the wealth of the inhabitants to perform'.<sup>20</sup> Four years later in New South Wales Governor Richard Bourke appointed magistrates with the power to levy rates to light, pave and cleanse the streets of Sydney, and improve the local water

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<sup>18</sup> M. C. I. Levy, *Governor George Arthur : a colonial benevolent despot*, (Melbourne 1953) p. 251-2.

<sup>19</sup> Petrow, 'A Painful Birth' p208; *Launceston Advertiser*, 27 July 1829.

<sup>20</sup> *Launceston Advertiser*, 6 July 1829.

supply. The magistrates did some useful work but were severely hampered by a lack of funds.<sup>21</sup>

Frustrated with the limited amount of public money being spent on local services, some Sydney residents petitioned Bourke in 1835 for a bill providing for elected commissioners to oversee the lighting, draining, paving and repair of streets, the removal of waste, and the improvement in the supply of water.<sup>22</sup> A Sydney Town Improvement Bill was subsequently drafted and put to the Legislative Council, but was met with considerable opposition from the press and general public. The major grievance was with the idea of a nominee Legislative Council introducing a measure of local taxation, and the bill was opposed on the grounds that there could be no taxation 'without representation' in a free assembly. Faced with such resistance Bourke eventually withdrew the bill.<sup>23</sup>

It was left to Sir George Gipps, succeeding Bourke as Governor in 1838, to introduce a new scheme for municipal government in New South Wales. It was, in effect, forced upon Gipps due to the declining economic circumstances of his colony, and terse instructions from the Colonial Office that increasingly into the future colonial expenditure was to be defrayed out of revenue raised in the colony.<sup>24</sup> Gipps soon noted that the colonial government was responsible for 'a vast variety of functions, which in England and other countries of English origin, are discharged by local authorities, municipal corporations, or by other bodies or persons who are not immediate agents of

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<sup>21</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 26.

<sup>22</sup> *ibid.* p. 29.

<sup>23</sup> *ibid.*, p. 30.

<sup>24</sup> Maiden, *The History of Local Government in New South Wales*, p. 41.

the general government'.<sup>25</sup> He was therefore determined to introduce a system of rural and urban local government into the colony, believing 'the early establishment of municipal corporations and other institutions, by which men are led, in the country town or district, to take the management of local affairs into their own hands, has never failed to produce good effects in countries peopled by descendents of Englishmen'.<sup>26</sup>

In 1840 Gipps introduced a bill for the incorporation of townships with a population of at least 3000 people. Each corporation was to have an elected council with the ability to levy rates, and whose duties would include the regulation of markets, the construction and maintenance of streets, and provision of water supply and sewerage removal.<sup>27</sup> The bill was unfavorably received by the colony, primarily over issues concerning the control of police and whether emancipated convicts would be able to serve or vote for councillors, and was soon withdrawn.<sup>28</sup> Gipps also introduced around the same time a Police and Public Works Bill proposing to establish rural local government by creating police districts controlled by elected commissioners. The commissioners were to collect rates and tolls to pay for roads and police in rural areas. But the measure was met by the same animosity as the bill to incorporate townships, and was also withdrawn.<sup>29</sup>

Gipps was unperturbed by this initial lack of success and in 1842 introduced another municipal bill, this time applying only to Sydney. The bill was similar in many respects to the 1840 bill, providing an elective council whose revenue was to come from rates, market dues, tolls, fines and penalties. The council was to oversee street lighting, street cleansing and paving, markets, water supply, as well as providing for half the cost for

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<sup>25</sup> *Sydney Morning Herald* (SMH), 29 May 1840.

<sup>26</sup> Gipps to Russell, 29 May 1840, *Historical Records of Australia* (HRA), Series I, vol. 20 p. 641, 869.

<sup>27</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 41-42.

<sup>28</sup> *ibid.*, p. 42-44.

<sup>29</sup> *ibid.*, p. 45-48.

local police while having no say in its control. Care was taken in drafting the legislation to avoid the controversy between emancipists and exclusionists that had been the downfall of the last bill.<sup>30</sup> While the bill was well received by the press, it got a mixed reception from the public, but was eventually passed by the Legislative Council in July 1842.

The new Sydney Municipal Council was soon plagued by a litany of problems that continued for much of its existence during the 1840s. These problems included a lack of government support, public apathy, frequent clashes with the Legislative Council, limited finances, an expensive and inefficient staff, and persistent infighting and intrigue amongst councillors.<sup>31</sup> Several select committees inquired into the affairs of the council and eventually it was replaced by appointed commissioners in the early 1850s.<sup>32</sup>

Early attempts at municipal government in other colonies experienced similar results. In Western Australia, an Act was passed in 1838 placing the maintenance of roads and streets in the hands of appointed trustees, and the Perth Town Trust was quickly established for this purpose. The trust was soon given the power to levy rates, and in 1842 trustees were elected for the first time.<sup>33</sup> The trust suffered from apathy and financial troubles until it was transformed into the Perth City Council in the late 1850s.<sup>34</sup> In South Australia, Adelaide is usually credited with establishing the first municipality in

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<sup>30</sup> *ibid.*, p. 81.

<sup>31</sup> *ibid.*, p. 96-102.

<sup>32</sup> M. A. Bains and N. T. G. Miles, 'New South Wales', in Power, Wettenhall, and Halligan (ed.), *Local Government Systems of Australia*, pp. 129-130; F. A. Bland, 'City Government by Commission – An Historical Account of the First Experiment in the Government of Sydney by a Commission 1854-57', *Royal Australian Historical Society*, 14(3), 1928, pp. 117-198; S. Fitzgerald, *Sydney 1842-1992*, (Sydney 1992).

<sup>33</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 49.

<sup>34</sup> M. Wood, 'Western Australia', in Power, Wettenhall, and Halligan (ed.) *Local Government Systems of Australia*, p. 651-2; J. R. H. Johns, 'The Development of Local Government in Western Australia', *Public Administration* PA (Sydney), 8(4) 1949 pp. 172-179.



Australia in 1840. But it too had a difficult existence, struggled with a lack of revenue and government support, and was replaced by appointed commissioners in 1843.<sup>35</sup>

In Victoria, after repeated requests, Melbourne was granted a council in 1842 along similar lines to that which was proclaimed in Sydney. Though it eventually became the most successful example of all the early municipal councils established in Australia, the Melbourne council nevertheless had a turbulent beginning. With its legitimacy circumspect, the council was initially unable to assess lands and collect rates, and with little government aid forthcoming was soon in financial difficulty. Coupled with frequent factional infighting amongst councillors, a lack of funds meant the achievements of the council during the 1840s were modest.<sup>36</sup>

The early municipal history of Van Diemen's Land was just as eventful. During the 1830s the towns of Hobart and Launceston steadily grew, and complaints were common over the bad streets,<sup>37</sup> poor drainage<sup>38</sup> and a lack of pure water.<sup>39</sup> Arthur attempted to deal with these problems under the *Police Act* 1833. This Act allowed local police to take action against those obstructing paths and polluting streams as well as provisions for removing nuisances, rubbish and nightsoil.<sup>40</sup> But problems continued to exist, and with the arrival of John Franklin in 1837 the Legislative Council soon passed a resolution stating that 'the expense of lighting of the lamps of this town and of keeping them in

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<sup>35</sup> J. Robbins, 'South Australia', in Power, Wettenhall, and Halligan (ed.) *Local Government Systems of Australia*, p575; V. S. Sheppard, 'Local Government in South Australia', *PA (Sydney)* 11(2) 1952 pp. 76-85.

<sup>36</sup> Larcombe, *The Origin of Local Government in New South Wales*, chapter. 7; D. Dunstan, *Governing the metropolis: politics, technology and social change in a Victorian city: Melbourne, 1850-1891* (Carlton 1984) Chapter 1 & 2.

<sup>37</sup> *Hobart Town Courier* (HTC), 7 August 1830, 2 January 1835; *Colonial Times* (CT) 28 March 1837.

<sup>38</sup> S. Petrow, *Sanatorium of the South: public health and politics in Hobart and Launceston 1875-1914*, (Sandy Bay 1995) Chp. 1.

<sup>39</sup> *HTC*, 9 January 1835; 27 March 1835; 3 April 1835; 10 April 1835; 8 April 1836; 3 February 1837; *Cornwall Chronicle* (CC) 30 May 1835; 29 August 1835; 3 June 1837.

<sup>40</sup> Petrow 'A Painful Birth' p. 208; *Police Act* 1833.

repair, and also of paving and watering the town of Hobart Town, should be borne by the inhabitants of the town, and that it be the request of this council that His Excellency will be pleased to direct that an Act of Council may be prepared to carry this object into effect'.<sup>41</sup>

In 1838 Franklin therefore announced that he was planning to introduce a bill giving householders in Hobart and Launceston the opportunity to elect five commissioners to light and pave the streets of their towns.<sup>42</sup> Due to other business the bill was held over and introduced in the next session of the Legislative Council in 1839.<sup>43</sup> The press welcomed the bill, the *Hobart Town Advertiser* believing it was the 'first approach to anything like national liberty in this colony – the first dawn of that day which will doubtless open up to us gradually, all the rights and privileges of free men'.<sup>44</sup> The bill proposed to leave control of the streets in the hands of the government, but allow commissioners to levy rates in order to bound footpaths with curbstone and then keep them in suitable repair. While the bill was lauded by official members of the Legislative Council, the bill was received less warmly by the unofficial members of the chamber. Objections to the bill were many – that it was too costly, that it was not desired by the inhabitants of the towns, that it was unsuited to the present condition of the colony, and that the Legislative Council had no authority to implement a taxation bill of this kind.<sup>45</sup> The bill was soon withdrawn by Franklin.<sup>46</sup>

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<sup>41</sup> *HTC*, 20 August 1845.

<sup>42</sup> *HTC*, 5 October 1838.

<sup>43</sup> *HTC*, 30 November 1838.

<sup>44</sup> *Hobart Town Advertiser* (HTA), 10 May 1839.

<sup>45</sup> *HTC*, 14 June 1839.

<sup>46</sup> Minute Paper 22 June 1839, *Archives Office of Tasmania* (AOT), Executive Council Minutes 1838-1839 (Ref: EC 4/1/6) p555-56.

Not until the administration of John Eardley Eardley-Wilmot was the issue of municipal government raised again. In January 1844, with the colony in financial strife, Eardley-Wilmot introduced a bill transferring the cost of lighting, paving and cleansing the Hobart streets as well as constructing sewers and supplying fresh water onto the town's citizens. The bill proposed establishing a board of six appointed commissioners for two years to levy rates and carry this work out, after which elections would then be held in five wards.<sup>47</sup> Reaction to the bill was immediately unfavourable, with most criticism asserting there could be no taxation without a representative assembly.<sup>48</sup> The *Advertiser* declared it 'unconstitutional, illegal, unjust – a gross violation of liberty and destructive of the interest of the town's people'.<sup>49</sup>

Faced with such opposition Eardley-Wilmot delayed introducing the bill into the Legislative Council, until the continuing financial problems confronting his government compelled him to do so in the middle of 1845. The bill was similar to the one proposed earlier, only that the appointed board would meet for a month before elections for commissioners would take place.<sup>50</sup> Although Eardley-Wilmot told the Legislative Council the bill would be 'a boon to this city of no inconsiderable extent', this sentiment was not shared by most of the press or the public of the colony.<sup>51</sup> The *Advertiser* described the bill as 'absurd, complicated, and unjust',<sup>52</sup> while the *Hobart Town Courier* saw the measure as 'illegal and unconstitutional'.<sup>53</sup> Various public meetings were held to

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<sup>47</sup> *HTC*, 19 January 1844.

<sup>48</sup> *CT*, 23 January 1844; *HTC* 26 January 1844.

<sup>49</sup> *HTA*, 6 February 1844.

<sup>50</sup> *HTC*, 19 July 1845.

<sup>51</sup> *HTC*, 2 August 1845.

<sup>52</sup> *HTA*, 18 July 1845.

<sup>53</sup> *HTC*, 26 July 1845.

reject the bill.<sup>54</sup> One overwhelmingly passed a resolution condemning 'the lighting and paving Act as the delegation to others of a power to tax the people which the legislature of the colony does not possess, it being a fundamental principle of the British constitution that no man shall be taxed except by his representative'.<sup>55</sup> The bill was eventually rejected by the Legislative Council.<sup>56</sup>

Eardley-Wilmot waited until 1846 to re-introduce the bill, following the resignation of the 'patriotic six' and the establishment of a Legislative Council more sympathetic towards the government.<sup>57</sup> This time he made concessions, providing for the immediate election of commissioners as well as handing over market dues, wharfage rates and water rates to improve the revenue of the proposed board. The city was to be divided into five wards, initially electing five commissioners each, but was eventually altered to two. Each commissioner was to serve for a period of two years, and the qualification to become a commissioner was set at the possession of £500 value in real property, or £50 value in annual rental. Those eligible to vote were males over twenty-one who had at least resided in the city for a year before the election.<sup>58</sup> The bill was passed by the Legislative Council but was warily received by the press and public.<sup>59</sup> The *Hobart Town Courier* remarked that 'the evident feeling towards this anomalous Act...is against the spurious measure. It is tolerated only in the hope and belief that it may lead to the speedy investment of the city in all the rights and privileges of a corporate town'.<sup>60</sup>

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<sup>54</sup> HTA, 29 July 1845; HTC, 30 July 1845.

<sup>55</sup> HTC, 2 August 1845; see also 'petition from Hobart Town against the Lighting and Paving and Road Acts', *Legislative Council Papers*, 1845-46, paper no. 9 p. 3.

<sup>56</sup> HTC, 16 August 1845.

<sup>57</sup> HTC, 18 July 1846; see also W. A. Townsley, *The Struggle for Self-Government*, (Hobart 1951) p. 80-86

<sup>58</sup> Petrow 'A Painful Birth' p. 210.

<sup>59</sup> CT, 21 August 1846; HTC 19 September 1846.

<sup>60</sup> HTC, 23 September 1846.

The first elections for the board occurred in late September and aroused considerable attention from the public, the *Courier* noting ‘so extreme was the interest excited that business throughout the city was almost entirely suspended’.<sup>61</sup> While the elections themselves ran smoothly, doubts were soon cast over their legality, due in part to an absence in the legislation for provisions providing for the scrutiny of voting papers or a rigorous process to determine who signed them.<sup>62</sup> Despite the government accepting the elections as valid, the sense of illegitimacy created by these elections would hamper the work of the board and eventually lead to its demise.

The main downfall of the board, however, was its lack of revenue. Much of the early energy of the commissioners was directed towards obtaining those sources of income the government promised to hand over – market dues, wharfage rates, proceedings from the dog tax and water rate.<sup>63</sup> The process was complicated by the recall of Eardley-Wilmot and the arrival of his successor William Denison, but eventually the commissioners obtained control only over market dues and the money from the dog tax.<sup>64</sup> Their problems were compounded by an inability to legally levy and collect rates, due to errors made in the initial assessment of lands and property in the town.<sup>65</sup> The board therefore had only a small amount of money at its disposal, allowing it to make street repairs but achieve little else.<sup>66</sup>

In March 1847 the commissioners decided that until legislation was passed fixing the legal status of the board they declined to take any action that would incur ‘legal

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<sup>61</sup> *HTC*, 26 September 1846.

<sup>62</sup> *HTC*, 30 September 1846, 10 March 1847, 21 April 1847.

<sup>63</sup> *HTC*, 25 November 1846.

<sup>64</sup> Petrow ‘A Painful Birth’ p.214.

<sup>65</sup> *ibid.*, p. 215.

<sup>66</sup> *HTC*, 28 November 1846, *HTC*, 23 January 1847.

responsibility' upon themselves.<sup>67</sup> The work of the board then came to a rather acrimonious ending, with squabbling between the commissioners and Denison and the Colonial Secretary J. E. Bicheno over why the experiment had failed. The commissioners blamed the government for a lack of support and poor legislation, while the government blamed the commissioners for extravagant spending and in being careless in its administration.<sup>68</sup> With little money left by August 1847, the work of the board of commissioners came to an end.<sup>69</sup>

The experience chronicled above does much to affirm the traditional belief that the birth of urban municipal government in the colonies was 'difficult'<sup>70</sup> and 'painful'.<sup>71</sup> But what about rural municipal government? After the failure of his Police and Public Works bill in 1840, Gipps was pessimistic about municipal councils appearing in rural areas, believing only a municipal body in Sydney could be a success. This attitude was not shared by those in the Colonial Office, who decided if colonial legislatures would not introduce municipal bodies to defray costs then the Imperial government would have to do it for them. In 1842 the British parliament passed a bill granting a new constitution and representative government to New South Wales, and included ten clauses providing for a general system of rural local government.<sup>72</sup>

The new bodies were to be called District Councils, introduced at the discretion of the Governor, and were to have a minimum of eight elected councillors. Their duties would include constructing and maintaining public works such as roads, streets, bridges and

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<sup>67</sup> *HTC*, 21 April 1847.

<sup>68</sup> Petrow 'A Painful Birth' p. 216-17; *HTC*, 14 August 1847, 28 August 1847, 4 September 1847, 11 September 1847.

<sup>69</sup> *HTC*, 11 August 1847.

<sup>70</sup> Jones, *Local Government and the People: challenges for the eighties*, p. 29.

<sup>71</sup> Petrow 'A Painful Birth' p.203.

<sup>72</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 202-4.

public buildings as well as establishing local schools. Revenue was to come from rates, tolls and penalties.<sup>73</sup> Gipps was responsible for one clause in the Act, that half the cost of police was to come from rates raised by the District Councils and the other half from the general revenue.<sup>74</sup>

The new constitution was proclaimed at the beginning of 1843, and within nine months Gipps had issued charters for twenty-eight District Councils in New South Wales, and two in Victoria. The new bodies were greeted with much apprehension. The *Australian* newspaper, for instance, remarked that the new legislation seemed 'to have been framed upon the cruel error, that the institution which is good in one country, is also good in another; that a rural municipal system which is proper for crowded districts, is proper also for pastoral communities, whose population is thin, dispersed and unconnected'.<sup>75</sup> Soon this anxiety would turn into hostility, and the District Councils were roundly condemned by the press and public.<sup>76</sup>

The main grievance was the clause requiring colonists to pay a share in the maintenance of local police. The issue had been a running sore in the colony for many years, and the situation was not helped by a flaw in the new constitution. As Grose has pointed out, Gipps's discretionary powers in establishing the District Councils was undermined by the clause requiring the Councils to raise half the cost for police. If Gipps was to avoid having this burden fall on only one or two District Councils, he had to establish bodies in areas that otherwise might have been deemed not ready for such an

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<sup>73</sup> *ibid.*, p. 205.

<sup>74</sup> K. Grose, 'Sir George Gipps and Municipal Institutions in New South Wales', *Journal of Royal Australian Historical Society*, 51 (2) 1955 p. 148.

<sup>75</sup> *Australian*, 12 October 1842.

<sup>76</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 212.

institution.<sup>77</sup> With the colony in the grip of an economic depression, it was a move not appreciated by the colonists, and by 1844 the Legislative Council sought to have the Districts Councils abolished.<sup>78</sup> Though the attempt failed, by 1846 the District Councils were in a state of abeyance due mostly to public apathy.<sup>79</sup>

In 1848 a summary of the colony's experience with District Councils was sent to Earl Grey the Secretary of State for the colonies. The report on those District Councils formed in New South Wales concluded that they had 'entirely failed to answer the object contemplated in their establishment'; were 'not adapted to the state of society in this colony'; and were 'not regarded in any favourable light' by the Legislative Council or public.<sup>80</sup> The report recommended that in the future all legislation regarding municipal institutions be left to the local legislature.<sup>81</sup> Similarly, the Superintendent of the Port Philip district Charles La Trobe reported that 'the practical effect of the application of the system of District Councils...to the Port Phillip district has been to retard rather than facilitate the advancement of that portion of the colony'.<sup>82</sup> La Trobe concluded with the observation that 'the plain fact appears to be that, though you may make an institution suit the condition of a colony, you cannot force a colony to suit a given institution'.<sup>83</sup>

The early experience of municipal government in the Australian colonies was thus far from encouraging. The urban municipal councils suffered from a number of problems, primarily a lack of adequate funds for works and services and poor legislation that served often to hamper the duties of municipal officials. Other problems included a lack of

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<sup>77</sup> Grose, 'Sir George Gipps and Municipal Institutions in New South Wales', p. 149.

<sup>78</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 225.

<sup>79</sup> Fitz Roy to Grey, 6 Jan. 1848 enclosure no. 2, *HRA*, Ser. 1 Vol. 26 p. 153.

<sup>80</sup> *ibid.*, p. 154.

<sup>81</sup> *ibid.*

<sup>82</sup> *ibid.*, p. 147.

<sup>83</sup> *ibid.*, p. 148.



government support, public apathy or antipathy in some cases, infighting amongst councillors, and inexperience in municipal administration. But it must be remembered that municipal government was introduced into the colonies in extremely difficult circumstances. The colonies were in the midst of an economic depression that limited government aid and revenue, and made settlers adverse to any additional measures of taxation.

The municipal cause as well was not aided in some respects by becoming embroiled in broader controversies surrounding representative government in the colonies. Of course, as was highlighted in the last chapter, this was inescapable. The colonists did not separate the issues of local institutions and representative government; instead they saw them bound together. The result was that municipal institutions tended to become lightning rods for resentment around such issues as taxation without representation in a free assembly, the battle between exclusionists and emancipists, debate over who should bear the financial burden for police and gaols in the colonies, and clashes between Legislative Councils and the executive government. In one sense, municipal bodies themselves were a casualty of a much bigger political struggle going on in the colonies.

But two lessons were drawn from the troubled early history of municipal government in Australia. Firstly, a comprehensive system of local government could not be imposed on a population unable or unwilling to support it; the experience of District Councils for instance had made this abundantly clear. In the future a more voluntary or permissive system would have to be adopted, encouraging but not forcing those districts able to support local institutions to do so. Secondly, local institutions would have to be moulded and adapted to fit in with Australian conditions, a job best left to various colonial

legislatures more attuned with the feelings of local residents than officials residing on the other side of the globe.

### *Municipal Institutions and Responsible Government*

Despite the initial troubled history of municipal institutions during the early 1840s, it is important to point out that there seems to be no opposition to the idea of municipal government *per se* in the colonies, but just with the circumstances in which it was proposed. The colonists rejected efforts to force them into paying for local works and services in a difficult economic environment, particularly works and services they thought should be borne by the government whilst the colonies remained either penal in character or under the tutelage of Britain. But there is evidence to suggest that municipal government would be welcomed in more favourable conditions. Larcombe notes that in New South Wales the municipal proposals of Gipps were received with considerable support by some sections of the press and public.<sup>84</sup> Settlements a considerable distance from the seat of government, especially Melbourne, Geelong and Launceston, were also sympathetic towards municipal institutions.<sup>85</sup> In Launceston, the *Cornwall Chronicle* stridently pressed for a municipal corporation for that town,<sup>86</sup> in 1845 stating that:

...vast improvements would result from municipal institutions, combining as they would – the repairing of streets – the promotion of public buildings – the formation of a market – the draining of land – and the introduction of light and water throughout the town; independently of the public spirit that would be infused, the restoration of commercial confidence – and an increasing disposition to useful enterprise and prudent speculation in trade and commerce.<sup>87</sup>

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<sup>84</sup> Larcombe, *The Origin of Local Government in New South Wales*, p. 81-2.

<sup>85</sup> *ibid.*, p. 179-182.

<sup>86</sup> CC, 13 August 1845, 23 August 1845, 13 September 1845.

<sup>87</sup> CC, 6 December 1845.

While criticism of municipal legislation and the subsequently created local bodies were also numerous, sometimes colonists complained that the proto-municipal bodies established in the colonies did not go far enough, that if Australia was to have municipal government let it be full-blown corporations like those in Britain.<sup>88</sup> Commenting on the recent sorry experience of the commissioners in Hobart, the *Advertiser* called instead for ‘a real municipal constitution with a properly constituted corporate body’, arguing that it might be more favorably received by the colonists.<sup>89</sup> The troubled early history of the municipal bodies did not result in a wholesale rejection of municipal government. Instead, as the colonies from the 1840s moved towards greater independence from Britain, the question arose of what would be the role of municipal institutions in the new system of responsible government?

As far as the British were concerned, municipal institutions were to be encouraged as much as possible in the colonies. In July 1847 Earl Grey told the Governor of New South Wales Charles Fitz Roy that ‘local self-government, if necessary for the good of the whole colony, is not less necessary for the good of the several districts for which it is composed’.<sup>90</sup> Grey envisaged that municipal corporations would act as a counterweight to the power of the Legislative Council, and would be a means for more remote districts in the colony ‘to exercise their fair share of power, and to enjoy their proper influence, in the general policy of the whole province’.<sup>91</sup> In fact:

The experience of our own country, that of the British provinces in North America...may be said to have conclusively established not merely the great advantages of devolving the management of local affairs upon the inhabitants of districts of moderate size, acting by their representatives, but likewise the converse

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<sup>88</sup> Petrow ‘A Painful Birth’ p. 210.

<sup>89</sup> *HTA*, 9 July 1847.

<sup>90</sup> Earl Grey to Fitz Roy, 31 July 1847, *HRA*, Ser.1 Vol. 25 p. 700 .

<sup>91</sup> *ibid.*, p. 700.

of this, and that evils of a very serious kind result from committing the exclusive management of the affairs, both general and local, of a whole province to a central legislature, unaided and unbalanced by any descriptions of local organization.<sup>92</sup>

The view that municipal government was vital in any scheme of decentralization was shared as well by other people in the colonies. Gipps, for instance, had repeatedly warned of the danger of placing too much power in the hands of the Legislative Council.<sup>93</sup> He saw decentralization as crucial in developing the political culture of the colonists, believing that

In the management of their local establishments, they acquire a knowledge of local business, and a knowledge too of the difficulties of it, which they are otherwise apt to underrate. In the township or the parish, at county meetings, or in the halls of corporate bodies, the rudiments are acquired of that knowledge which shines forth afterwards in parliament or in the senate – of that knowledge which enables them to exercise, with wisdom and moderation, a constitutional control over government.<sup>94</sup>

Denison held a similar opinion. He told Grey in 1848 that only ‘by throwing upon the different sections of the community the charge of their own local interests can we ever hope to see them freed from the child-like dependence upon the executive government which at present paralyses all those energies which should be excited in developing the resources of the colony’.<sup>95</sup> In 1852 he announced to the Legislative Council, which had recently rejected bills for the incorporation of Hobart and Launceston, that ‘free institutions exist but in name only in all those countries where they are not based upon the municipal system’.<sup>96</sup>

The press in Van Diemen’s Land agreed. In 1848 the *Colonial Times* warned that to avoid the ‘demoralizing tendencies of a centralized government’ the remedy was the

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<sup>92</sup> *ibid.*, p. 702.

<sup>93</sup> Gipps to Stanley, 21 Aug. 1844, *HRA*, Ser. 1 Vol. 23 p729; Gipps to Stanley, 29 Apr. 1846, *HRA*, Ser. 1 Vol. 25 p. 29.

<sup>94</sup> *SMH*, 24 July 1839.

<sup>95</sup> Roe, ‘The Establishment of Local Self-Government’, p. 29.

<sup>96</sup> *CT*, 18 June 1852.

‘creation of institutions of local management and government, representative and municipal’.<sup>97</sup> In 1849 the *Advertiser* thought the best means to promote the growth and development of the municipal system in Van Diemen’s Land was to ‘withdraw from the consideration of the Legislative Assembly all those matters which can be best decided upon by the inhabitants of each district, reserving to it of course the decisions which affect the colony as a whole’.<sup>98</sup> Two years later it described centralization as the ‘auxiliary of despotism at all periods of the history of the world’, the solution being ‘the local form of government, which is the only solid foundation of the liberties of a free people’.<sup>99</sup> In 1854 with the colony on the verge of responsible government, the *Colonial Times* insisted that ‘a well organized municipal system is not only desirable, as the bulwark of, and guarantee for popular liberty, but necessary to a proper scheme of self-government’.<sup>100</sup>

It was hoped then that municipal government would play an important role in fostering decentralization in newly independent colonies. For conservatives, decentralization was important to check the influence of a democratically elected legislative body, and municipal institutions were part of a broader scheme of strong upper houses and plural voting designed to put obstacles in front of the popular will of the people.<sup>101</sup> Given the preeminence of property in local government, municipal institutions would also help entrench the influence and power of the wealthy, especially in rural areas.<sup>102</sup> For liberals,

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<sup>97</sup> *CT*, 24 November 1848.

<sup>98</sup> *HTA*, 26 June 1849.

<sup>99</sup> *HTA*, 17 July 1851.

<sup>100</sup> *CT*, 9 November 1854.

<sup>101</sup> M. Roe, *Quest for Authority in Eastern Australia 1835-1851* (Parkville 1965) Chp. 2; J. M. Ward, *Colonial Self Government: the British experience 1759-1856*, (London 1976) p. 322; J. B. Hirst, *Australia’s Democracy: a short history*, (Crow’s Nest 2002) pp. 42-61.

<sup>102</sup> S. Petrow, ‘Economy, Efficiency and Impartiality: police centralization in nineteenth century Tasmania’, *Australia and New Zealand Journal of Criminology*, 31 1998 p. 243.

decentralization was a response to the autocratic government of the convict period.<sup>103</sup> Not only would some of the current power of the executive be dispersed amongst various districts of the colonies, but decentralization would also help foster some of the attributes vital for successful responsible government – liberty, independence and self-reliance.<sup>104</sup>

In achieving this objective, however, one problem remained. Sympathetic as some in the colonies may have been towards the idea of municipal government, in practice municipal institutions had faltered in Australia. How, then, was local government going to be incorporated into the new constitutions of the colonies? Reflecting on the failure of the scheme of District Councils in New South Wales, Denison told Grey in 1847 that compulsory municipal government should be avoided in any future constitution.<sup>105</sup> Instead, colonial legislatures should be able ‘to make such local applications of the principle as the wants of the country may require’.<sup>106</sup>

Grey put the issue of local government to a select committee of the Privy Council appointed by the British parliament to consider the future constitutions of the Australian colonies. Dominated by Grey and James Stephen, another enthusiastic supporter of municipal institutions,<sup>107</sup> the report began its discussion on the subject by stating the benefits of municipal government:

It is the only practicable security against the danger of undue centralization. It is the only security for the vigilant and habitual attention by the local legislature to the interests of the more remote localities. It is by such bodies alone that in those secluded societies public spirit is kept alive, and skilled in the conduct of

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<sup>103</sup> H. Reynolds, “Men of Substance and Deservedly Good Repute”: the Tasmanian gentry 1856-1875’, *Australian Journal of Politics and History*, 15 1969 p. 68.

<sup>104</sup> J. B. Hirst, *The Strange Birth of Colonial Democracy: New South Wales 1848-1884*, (Sydney 1988) p. 255.

<sup>105</sup> *HTA*, 6 May 1851.

<sup>106</sup> *ibid.*

<sup>107</sup> W. P. Morell, *British Colonial Policy in the Age of Peel and Russell*, (Oxford 1930) p. 367; see also P. Knaplund, *James Stephen and the British Colonial System, 1813-1847* (Madison 1953).

public affairs acquired and exercised. It is in such corporations that the colonists are trained to act as legislators in a larger sphere. By them and by them alone, can any effectual resistance be made to the partial and undue dedication of the public resources to the advantage of districts peculiarly fortunate in the zeal and authority of their representatives in the legislature.<sup>108</sup>

But it was also well aware of the lacklustre response of Australian settlers towards those municipal institutions that had been established, especially in rural areas. It noted that ‘in Australia, it seems impossible, from its peculiar circumstances, to create so complex a system of local organization as that which prevails in this country in their present state of progress’.<sup>109</sup> This did not mean that the objective of municipal government should be abandoned, but the report did acknowledge that thrusting the institution upon reluctant settlers would be counterproductive. If municipal duties were ‘not undertaken with alacrity, and performed with zeal, and controlled by public vigilance, and rewarded by public applause, they would be undertaken to no good purpose, and would be better declined’.<sup>110</sup>

The report therefore made several recommendations, citing a preference for the introduction of municipal institutions, but wary whether ‘there exists, or is likely to arise, in any of these colonies a disposition to bring into action the dormant powers of the existing municipalities or to solicit the grant of any new powers of that nature’.<sup>111</sup> The first was that in the future municipal government was to be put firmly in the hands of the colonial legislatures, who would have ‘full power’ to pass laws and make regulations pertaining to municipal bodies.<sup>112</sup> This was an acknowledgement of the difficult history

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<sup>108</sup> ‘Despatches on the New Constitution of Van Diemen’s Land: Circular to Governors of the Australian Colonies May 1849’, *Legislative Council Papers*, 1849, paper no. 30 p. 9.

<sup>109</sup> *ibid.*, p. 10.

<sup>110</sup> *ibid.*

<sup>111</sup> *ibid.*

<sup>112</sup> *ibid.*

of municipal institutions in the colonies, and the need for the settlers to create bodies better suited to Australian society.

Recent experience guided the second recommendation as well, with the governor to regain his discretionary power in establishing municipal districts. He would not issue charters unless the inhabitants of a district petitioned him to, and only after a period of time had passed allowing for further petitions so that the 'prevailing and deliberate wishes' of a district could be attained.<sup>113</sup> To assist with this recommendation, the report suggested the provision requiring municipal districts to raise half the cost of police should be repealed.<sup>114</sup>

The third recommendation was that greater financial aid should be provided by colonial legislatures to fledgling municipal councils. The report suggested that half of the revenue obtained from land sales in the colonies be put at the disposal of municipal bodies, preferably for public works. The report hoped that this would act as an incentive to create municipalities, and would further assist the colonies with emigration, the improvement of existing land, and the sale of other Crown land.<sup>115</sup>

The report of the Privy Council laid the foundation for the 'permissive' system of local government in the Australian colonies. It was an attempt to reconcile the desire by the British authorities for municipal institutions with the actual conditions in the colony and the initial reticence of Australian settlers to embrace local institutions. Instead of a comprehensive municipal system being imposed on the colonists, a more voluntary piecemeal scheme was enshrined. It was based on three tenets – control in the hands of

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<sup>113</sup> *ibid.*, p. 9.

<sup>114</sup> *ibid.*, p. 10.

<sup>115</sup> *ibid.*, p. 11-12.



the colonial legislature, government discretion in establishing municipal bodies, and generous aid to help fledgling bodies onto their feet.

One more component was quickly added. In responding to the Privy Council report, Denison agreed that municipal districts should not come into being unless by the goodwill of the inhabitants. He warned, however, that not all settled districts in the colonies, especially some of his own in Van Diemen's Land, were able or willing to assume all the powers and responsibilities of municipal corporations. Denison proposed that colonial legislatures must have some flexibility when creating local authorities, as in some cases local bodies would have to be created for specific problems or in special circumstances.<sup>116</sup> Grey agreed, thereby replicating in Australia the system of local government found in Britain, where municipal corporations were complemented by special authorities for particular purposes.<sup>117</sup>

While the permissive system may have reconciled idealism and reality regarding local government in Australia, where did it leave the desire for decentralization? Peculiarly enough, by vesting complete power over local government in the colonial legislatures, the British left the task of decentralization in the hands of the central authority. Fortunately, in Tasmania at least, there was a desire to divest the central government of some power, responsibilities, and financial burdens.

In spite of the recent disappointing experience of the Hobart Board of Commissioners, Denison still wished to grant municipal government to Hobart and Launceston. In 1847 he told Earl Grey that he envisaged the new bodies to have full power 'to regulate all matters connected with the material interests of the inhabitants' as well as 'imposing

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<sup>116</sup> *HTA*, 23 Aug. 1850.

<sup>117</sup> S. & B. Webb, *English Local Government: volume 4 statutory authorities for special purposes*, (London 1963) p. 1-11.

upon them certain duties which are now, although of a purely local character, considered to be within the province of the general government'.<sup>118</sup> Denison also hoped that 'by thus setting an example of a system of local self-government, and holding out to other sections of the community evidence of the advantages to be derived from the operation of such a system, I think it very probable that applications will be made by the people themselves for its introduction in many cases'.<sup>119</sup>

But he soon put this plan on hold, anxious to see first whether *Australian Colonies Act* would introduce a general scheme of municipal government,<sup>120</sup> then absorbed by the battle to abolish transportation to the colony.<sup>121</sup> Denison was also waiting for an elective assembly to be granted to the colony, where 'the members of the towns in question will be able to enter into all the details with special reference to the opinions of their constituents'.<sup>122</sup> It was no surprise that one of the first bills put in front of the new partially-elected Legislative Council at the beginning of 1852 sought to establish municipal councils in Hobart and Launceston.<sup>123</sup> Denison proposed that three annually-elected commissioners for each city be put in charge of lighting, cleansing and paving the streets, controlling the water supply, and regulating the markets. The Legislative Council would be required to approve of the three commissioners chosen by the electors.<sup>124</sup> The

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<sup>118</sup> Denison to Earl Grey, 2 Oct. 1847, *HTA*, 6 May. 1851.

<sup>119</sup> *ibid.*

<sup>120</sup> 'Address of His Excellency the Lieutenant-Governor to the Legislative Council', *Legislative Council Papers*, 1848-49, paper no. 1 p7; for some background on the Act see E. Sweetman, *Australian Constitutional Development*, (Melbourne 1925) Chp. 16.

<sup>121</sup> Petrow 'A Painful Birth' p. 219.

<sup>122</sup> *HTC*, 1 August 1849.

<sup>123</sup> *HTC*, 10 January 1852.

<sup>124</sup> Petrow 'A Painful Birth' p. 219.

bill was roundly criticized in the press and by the public, and was opposed by the newly-elected members in the Legislative Council.<sup>125</sup>

Put to a Select Committee, the bill was significantly altered, and was eventually passed in October 1852.<sup>126</sup> The new Act created non-incorporated municipal councils of seven aldermen each for both Hobart and Launceston. The aldermen were to be elected biennially and prospective candidates had to hold at least £500 worth of property or be rated annually at over £50 to qualify as a councillor. The franchise was available only to males, who held property valued at least £10, and a system of plural voting was created.<sup>127</sup> The aldermen's duties would include lighting, cleansing and paving the streets; drainage; and supplying pure water. Revenue would come from rates, fees and modest grants-in-aid from the government.<sup>128</sup>

After keenly contested first elections at the beginning of 1853,<sup>129</sup> the new councils got down to work. To begin with they achieved little - due primarily to indolent aldermen - and were criticized frequently in the press.<sup>130</sup> But they soon improved and by 1858 the councils had completed many useful works.<sup>131</sup> The desire for full incorporation, with control over local police, arose initially in Launceston in 1853.<sup>132</sup> The movement gained ground from 1855 onwards, and resulted in bills being passed granting full incorporation

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<sup>125</sup> Roe, 'The Establishment of Local Self-Government', p. 30-31.

<sup>126</sup> *Municipal Councils Act* 1852.

<sup>127</sup> scale £10- £49 1 vote; £50- £99 2 votes; £100-£199 3 votes; £200 + 4 votes.

<sup>128</sup> Roe, 'The Establishment of Local Self-Government', p. 31.

<sup>129</sup> see Roe, 'The Establishment of Local Self-Government', p. 31-36.

<sup>130</sup> see Petrow 'A Painful Birth' p. 223.

<sup>131</sup> *ibid.*

<sup>132</sup> Roe, 'The Establishment of Local Self-Government', p. 39.

for Hobart in 1857 and Launceston in 1858.<sup>133</sup> These Acts firmly entrenched urban municipal government in the colony of Tasmania.

While Denison was eager to establish municipal government in the two largest urban towns in Tasmania, he was less sure that the rural interior was ready for such an institution.<sup>134</sup> The *Courier* agreed, stating that, although there were many advantages derived from local government, introducing it into thinly-populated districts unprepared for it would result in the 'petty tyranny of rural commissioners'.<sup>135</sup> The newspaper believed that rural councils could only be introduced at long-established rural towns such as Campbell Town, Richmond and Bothwell.<sup>136</sup> In any case, the question of rural municipalities remained in abeyance until Denison was replaced by the Sir Henry Edward Fox Young in 1855.

Young had just served a stint as Lieutenant-Governor of South Australia, where he was an enthusiastic proponent of rural municipal government.<sup>137</sup> Seeing them as the only way to avoid the problems of centralization, he once wrote that

the central executive should not attempt to engross to itself all the powers of the state, great and small, but these latter [powers] should be distributed among local authorities. This principle will eventually prove the means of calling into healthful activity all those popular local instincts and attachments...that invigorating, yet amicable rivalry – that diffusion of power – which prevents central dominion from becoming despotic, and that habit of local self-government which there is experience to prove is the perfection of civil polity.<sup>138</sup>

Upon his arrival in Tasmania, Young immediately announced that he wished to see the extension of municipal government to the inland towns around the colony.<sup>139</sup> While

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<sup>133</sup> Roe, 'The Establishment of Local Self-Government', p39-41; *Hobart Town Corporation Act* 1857, *Launceston Corporation Act* 1858.

<sup>134</sup> *HTA*, 23 August 1850.

<sup>135</sup> *HTC*, 28 December 1850.

<sup>136</sup> *ibid.*

<sup>137</sup> See *District Councils Act* 1852.

<sup>138</sup> *CT*, 4 January 1855.

<sup>139</sup> *CC* 12 January 1856.

broadly agreeing with the Governor, the *Cornwall Chronicle* noted that the ‘unaccountable apathy’ of the public with regard to the rural municipal question.<sup>140</sup> This was not wholly true, as residents of George Town<sup>141</sup> and Deloraine<sup>142</sup> in 1856 expressed an interest in establishing a municipal council as a means of improving their townships. The *Colonial Times* also dedicated some space to the topic, proposing a ‘thorough system of local self-government’ for the whole colony.<sup>143</sup> This scheme involved dividing the island into various districts, each with a municipal board, which would control all roads, bridges, wharves, docks, gaols, lunatic asylums, hospitals and schools. It would, the *Times* hoped, prevent the ‘evils of centralization’, by ensuring that ‘public opinion becomes the ruling power’ and local interests being adequately catered for.<sup>144</sup> But even the newspaper admitted that around the colony rural municipal government ‘does not yet seem to have assumed that practical importance and high place in public consideration which belongs to it’.<sup>145</sup>

Public apathy or not, Young was determined to press ahead with a scheme for rural municipalities. The colony had just been granted responsible government, thrusting upon it many burdens and responsibilities, and Young saw municipal institutions as vital to ensure its future success. The colony, he told the new bicameral parliament in 1857, needed to ‘to develop and foster, by the extension of the principles of self-government,

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<sup>140</sup> CC, 20 February 1856.

<sup>141</sup> CC, 15 March 1856.

<sup>142</sup> Colonial Secretary to William Humphreys, 20 October 1856, AOT, Colonial Secretary Department: General Correspondence Files: Deloraine Municipality (Ref: CSD 1/103 file no. 3149).

<sup>143</sup> CT, 9 August 1856.

<sup>144</sup> *ibid.*

<sup>145</sup> *ibid.*

that robust spirit of independence and self-reliance which is so essential to the progress of the country'.<sup>146</sup> A bill for rural local government was on its way.

### *Rural Municipalities Act 1858*

While a desire for decentralization and the benefits it would bring was one motive for establishing rural municipalities, the dire economic condition of the Tasmanian colony by the mid-1850s was another.<sup>147</sup> As was shown in the previous chapter, the government by the early 1850s had sought to shift some financial responsibility for road maintenance and construction from the colonial revenue onto local settlers. By the mid-1850s declining custom duties and revenue from land sales had prompted further reductions in public expenditure, and the ministry of W. T. Champ admitted towards the end of 1856 that in the future the government could no longer bear the whole cost for public works.<sup>148</sup> Another problem for the colony was how to meet the considerable expense of police and gaols, now that financial aid from the British government had been withdrawn. In a budget speech Champ proposed new taxes and hinted that his ministry might introduce rural municipalities.<sup>149</sup>

But the Champ government only lasted a few months, and was replaced in February 1857 by a ministry led by T. G. Gregson. Announcing that there was to be no new public works, Gregson declared that he aimed to bring government spending back to within the

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<sup>146</sup> *Legislative Council Papers*, 1857, p. 2.

<sup>147</sup> W. A. Townsley, *Tasmania: from colony to statehood 1803-1945* (Hobart 1991) p. 103.

<sup>148</sup> *Legislative Council Papers*, 1856, p. 4.

<sup>149</sup> *HTA*, 26 March 1857.

means of its revenue.<sup>150</sup> To assist with this endeavour, Gregson was sympathetic to the introduction of rural municipalities, which he envisaged would help in defraying the costs for roads, schoolhouses, police and public works. But he stressed that no rural districts would be coerced into forming a municipality against their wishes.<sup>151</sup> The proposal was welcomed by the press, the *Cornwall Chronicle* stating that ‘it is the present concentration of everything in the hands of the general government which immeasurably aggravates its difficulties, and contributes to render it obnoxious by the largeness of the burdens it imposes, and from the odium of which district municipalities would relieve it’.<sup>152</sup>

Only lasting two months, the Gregson ministry did not have the opportunity to pursue its plan, and, after a brief interlude by W. P. Weston, was succeeded by a government led by Francis Smith in early May 1857. The new government immediately issued a public memorandum, recognizing first and foremost the ‘necessity of a thorough and vigorous retrenchment in the public expenditure’.<sup>153</sup> Moreover, the government contended that the early proceedings of the new House of Assembly had revealed two disturbing trends — competition between representatives for special advantages to particular localities, leading to an unequal distribution of the general revenue; and a wide-spread ignorance within the House of ‘purely local’ issues. This had encouraged the government, the memorandum continued, to delegate local interests and affairs ‘more and more to local bodies’.<sup>154</sup> As a result, the Smith ministry intended to submit a bill to parliament

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<sup>150</sup> HTA, 26 March 1857.

<sup>151</sup> *ibid.*

<sup>152</sup> CC, 15 April 1857.

<sup>153</sup> HTA, 27 May 1857.

<sup>154</sup> *ibid.*

‘facilitating the establishment of municipal institutions in the rural districts of Tasmania’.<sup>155</sup>

The move was again greeted with general support from the press. The *Cornwall Chronicle* believed that ‘there can be no doubt that were police, gaols, schools and many other interests handed over to local bodies, greater efficiency, with greater economy of expenditure, would be the result’.<sup>156</sup> The newspaper pushed for strong local bodies with a wide-range of powers.<sup>157</sup> The *Courier* was more circumspect, seeing municipal institutions as ‘the cradle and training ground of constitutional freedom’, but feeling that the rural districts were not yet ripe ‘for the wise and unselfish working out of these bodies’.<sup>158</sup> The *Advertiser* was the most enthusiastic, proclaiming that ‘municipal government is the ark of our deliverance from political anarchy, from social disorganization, from humiliation and degradation unspeakable which evils we must encounter if we pusillanimously declare ourselves unfit for it’.<sup>159</sup> It was the only weapon against centralization, that unless checked would result in ‘official oligarchy or military despotism’.<sup>160</sup>

The bill was eventually put to parliament at the beginning of 1858, shortly after the government had announced the colony had debts of around £280,000.<sup>161</sup> It was received warmly by most members of the House of Assembly. The member for Glenorchy Dr. Robert Officer described it as ‘a most valuable bill, and if carried out in its entirety would

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<sup>155</sup> *Legislative Council Papers*, 1857, p. 3.

<sup>156</sup> *CC*, 17 June 1857.

<sup>157</sup> *CC*, 29 July 1857.

<sup>158</sup> As quoted in *CC* 15 July 1857.

<sup>159</sup> *HTA*, 16 November 1857.

<sup>160</sup> *HTA*, 26 August 1857.

<sup>161</sup> See *Mercury*, 3 February 1858.



be productive of incalculable benefit to the colony'.<sup>162</sup> Dr. Henry Butler, member for Brighton, also saw it as 'calculated not only to reduce the general expenditure, but also to induce the people to take an interest in managing their local affairs'.<sup>163</sup> For John Balfe, member for Franklin, 'this was the first step for releasing the people from political childhood to political manhood, and transferring to them the benefits of government'.<sup>164</sup> Opposition to the bill came from only two members – James Matthews member for Launceston and William Allison member for Campbell Town – who believed the rural interior was not ready for municipal institutions.<sup>165</sup>

The bill passed smoothly through parliament and the *Rural Municipalities Act* 1858 was proclaimed in late February. The *Courier* lauded it as essential for good government in the colony, noting 'the principle is sound – the institutions are of venerable Anglican and American experience – the relief occasioned to the central funds of the State not inconsiderable'.<sup>166</sup> Governor Young was equally congratulatory. When closing the session of parliament soon after the Act was proclaimed, he remarked:

When the political institutions of the mother-country were adopted, so far as they were susceptible of adaptation, in the government of Tasmania, prudence and consistency required that they should be followed by the introduction of other institutions of that country, which, although less conspicuous, are yet indispensable auxiliaries to their perfect operation. Of this character are the municipal and other local institutions which hereby subdivide public duties – carry the principles and the modes of self-government throughout the whole framework of society – and, by the opinion and the habits which they foster, afford, at the same time, inestimable guarantees of public liberty, and a conservative barrier against political license.<sup>167</sup>

The Act granted a rural municipality to any town — or electoral, police and road district — upon the Governor receiving a petition requesting it from no less than fifty

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<sup>162</sup> *Mercury*, 28 January 1858.

<sup>163</sup> *HTC*, 29 January 1858.

<sup>164</sup> *ibid.*

<sup>165</sup> *Mercury*, 3 February 1858.

<sup>166</sup> *HTC*, 26 February 1858.

<sup>167</sup> *Mercury*, 26 February 1858.

people with a minimum rateable property of £20. Each municipality was to be governed by a council, consisting of six members, elected by all men over the age of twenty-one in the municipality with an annual value of no less than £15. Municipal elections were to be held every December, with two councillors retiring annually, and a system of plural voting was established – strongly favoring the wealthy.<sup>168</sup> To qualify as a councillor, a man had to possess property with an annual value of £50. Municipal councils were responsible for police, roads and streets, water supply, bridges, hospitals, asylums and dog registration in the municipality; and were able to create by-laws to prevent nuisances, offensive trades, gambling and the congregation of disorderly persons, as well as regulate slaughter-houses, markets and carters. Revenue from the council was to come from rates — annual, police and special rates — as well as loans and grants in aid from the government.<sup>169</sup>

While the *Mercury* confidently predicted that there would be ‘but few districts that will not petition to be declared a rural municipality’,<sup>170</sup> there was an initial reluctance on the part of rural settlers to embrace the provisions of the new Act. Tentative proposals to form municipalities were floated in 1858 in Deloraine,<sup>171</sup> George Town,<sup>172</sup> Longford,<sup>173</sup>

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<sup>168</sup> Scale – £15-£49 1 vote; £50-£99 2 votes; £100-£149 3 votes; £150-£199 4 votes; £200-£249 5 votes; £250-£299 6 votes; £300-£349 7 votes; £350-£399 8 votes; £400-£449 9 votes; £450 above 10 votes.

<sup>169</sup> See *Rural Municipalities Act* 1858.

<sup>170</sup> *Mercury*, 25 January 1858.

<sup>171</sup> *Hobart Town Gazette* (HTG), 19 October 1858; Colonial Secretary to William Humphreys, 5 July 1859 AOT, Colonial Secretary Department: General Correspondence Files: Deloraine Municipality (Ref: CSD 1/131 file no. 4820).

<sup>172</sup> *CC*, 30 October 1858.

<sup>173</sup> *Mercury*, 11 October 1858, 15 November 1858.

and Sorell,<sup>174</sup> a year later in Glenorchy,<sup>175</sup> Clarence,<sup>176</sup> and in the North West,<sup>177</sup> but all came to nought. Several reasons were offered to explain the reluctance of the settlers to form municipalities — an ignorance of the benefits that municipal government would bring; a traditional reliance on the central government to provide services and infrastructure; a protest against the unpopular taxation measures of the Smith government.<sup>178</sup> There was also a degree of scare-mongering in some districts. The *Advertiser* noted that some men went around the interior warning that municipal government would create ‘a whole host of hitherto unheard of evils’.<sup>179</sup> But the main obstacle was a fear that municipal responsibilities would impose a heavy financial burden on local taxpayers, particularly the cost of maintaining a local police force, along with disputes amongst residents over the area that would be included in any proposed municipal district.<sup>180</sup> The *Advertiser* observed that ‘some vague idea seems to be entertained that local self-government means something very costly and burdensome, and that a district cannot set up for itself without incurring the responsibility of some tremendous outlay, and going a long way towards beggaring itself’.<sup>181</sup> In response, the government announced that for the next five years it would match on a pound for pound basis from the general revenue and land fund the amount raised in rates by new rural

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<sup>174</sup> Colonial Secretary to R. Blyth, 15 March 1858, *AOT*, Colonial Secretary Department: General Correspondence Files: Sorell Municipality (Ref: CSD 1/138 file no. 5054).

<sup>175</sup> *Mercury*, 16 November 1859.

<sup>176</sup> *Mercury*, 12 November 1859 ‘Rural Municipalities’ by E. Abbott.

<sup>177</sup> see G. Rootes, ‘Local Government Reform in Tasmania 1906-1939: with special reference to the North West Coast’, (MA Thesis, University of Tasmania 2004) p. 37-38; *AOT*, Colonial Secretary Department: General Correspondence Files: Port Sorell Municipality (Ref: CSD 1/139 file no. 5107).

<sup>178</sup> *Mercury*, 2 February 1860; 2 March 1860; 22 August 1860; *CC*, 12 December 1860.

<sup>179</sup> *HTA*, 29 February 1860.

<sup>180</sup> *Mercury*, 22 November 1860; 14 January 1861; *CC*, 31 July 1861 ‘Rural Municipalities’ by A Tasmanian.

<sup>181</sup> *HTA*, 3 November 1859; see also 12 November 1859.

municipalities, in the hope that this would act as an incentive towards municipal action.<sup>182</sup>

The ploy was successful, with the residents of the police district of Glamorgan, encompassing the settlements of Swansea and Bicheno on the East Coast of the colony, proclaiming the first rural municipality under the Act in January 1860.<sup>183</sup> The *Advertiser* welcomed the new body, hoping that it would provide a positive example to the rest of the colony, and ‘overcome the strange and discreditable repugnance to the principle of self-government, which we are sorry to say has been so generally displayed’.<sup>184</sup> But initially the spread of municipal government into the rural hinterland of the colony was slow, with new rural municipalities established only in the South East corner of the island at Spring Bay<sup>185</sup> and Clarence<sup>186</sup> in 1860, and in Richmond<sup>187</sup> and Oatlands<sup>188</sup> in 1861. The press particularly applauded the establishment of a municipality at Oatlands, the *Mercury* calling it a ‘great gain to the cause of local self-government’.<sup>189</sup> With the example set by the ‘most populous, busy and wealthy’ district of the rural interior, the newspaper believed soon municipal institutions would ‘spread rapidly over the entire surface of the country’.<sup>190</sup>

Indeed this occurred, at least in those parts of the interior that had long been settled. After a somewhat cautious beginning 1862 and 1863 saw a flurry of municipal activity.

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<sup>182</sup> *Mercury*, 22 November 1860; ‘Report of the Select Committee on Rural Municipalities’, *Journals and Printed Papers of Parliament (Tas.)*, 1859, paper no. 81; *Rural Municipalities Act no. 2* 1859.

<sup>183</sup> *HTG*, 24 January 1860.

<sup>184</sup> *HTA*, 29 February 1860.

<sup>185</sup> *HTG*, 11 September 1860.

<sup>186</sup> *HTG*, 9 October 1860.

<sup>187</sup> *HTG*, 11 June 1861.

<sup>188</sup> *HTG*, 3 December 1861.

<sup>189</sup> *Mercury*, 28 December 1861.

<sup>190</sup> *ibid.*

Ten new rural municipalities were established, five in 1862 at Longford,<sup>191</sup> Green Ponds,<sup>192</sup> Sorell,<sup>193</sup> Bothwell<sup>194</sup> and Ross;<sup>195</sup> and five more in 1863 at Fingal,<sup>196</sup> New Norfolk,<sup>197</sup> Hamilton,<sup>198</sup> Brighton,<sup>199</sup> Westbury<sup>200</sup> and Deloraine.<sup>201</sup> This fruitful short burst was followed up by other rural municipalities formed in Glenorchy<sup>202</sup> in 1864 and Evandale in 1865.<sup>203</sup> Encouraged by all this activity, and seeking to establish municipalities across the whole colony, the Whyte government made the process of proclaiming a municipality easier. In 1865 it passed an Act dividing the unincorporated parts of the colony into municipal districts, which then only required a petition from interested inhabitants to activate their dormant municipality.<sup>204</sup> Despite this provision however, only one more rural municipality was subsequently formed, in 1866 at Campbell Town.<sup>205</sup>

Nineteen municipalities were therefore established under the provisions of the *Rural Municipalities Act* 1858, the majority of which were located in the flat, open, grassy corridor of the Midlands between Hobart and Launceston (see appendix I). The reason for wanting municipal government varied from district to district. For residents in the more isolated parts of the colony – Fingal, Hamilton and Glamorgan – municipal government was deemed a more efficient and responsive means of managing local affairs

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<sup>191</sup> HTG, 28 January 1862.

<sup>192</sup> HTG, 11 March 1862.

<sup>193</sup> HTG, 27 May 1862.

<sup>194</sup> HTG, 23 December 1862.

<sup>195</sup> HTG, 30 December 1862.

<sup>196</sup> HTG, 6 January 1863.

<sup>197</sup> HTG, 17 February 1863.

<sup>198</sup> HTG, 25 August 1863.

<sup>199</sup> HTG, 6 October 1863.

<sup>200</sup> HTG, 3 November 1863.

<sup>201</sup> *ibid.*

<sup>202</sup> HTG, 5 April 1864.

<sup>203</sup> HTG, 10 October 1865.

<sup>204</sup> See *Rural Municipalities Act* 1865.

<sup>205</sup> HTG, 7 August 1866.

than dealing with a government department.<sup>206</sup> For other districts dissatisfaction with the conduct of local police was the main impetus towards forming a municipality, as it was felt that police under municipal control would improve law and order in some rural areas.<sup>207</sup> Other reasons offered by proponents for rural municipalities also included better roads,<sup>208</sup> town improvements such as lighting and water supply,<sup>209</sup> and the need to establish municipalities while the government guaranteed generous aid.<sup>210</sup>

Idealism played its part, with a general feeling that it was important for the colony's future for local government to prosper. For instance, when addressing a public meeting at Fingal debating the issue in 1861, P. H. Gill told the crowd that 'municipal institutions are the pride and glory of the Anglo-Saxon race, and are a school in which the rising generation would be prepared to fill more important offices in the service of the colony'.<sup>211</sup> Similarly, when pushing for a municipality for the Hamilton district, Dr. J. F. Sharland stated that 'municipalities would be the means of waking the people from the lethargy into which they had fallen with regards to public matters', adding they would 'give the people a certain degree of confidence in themselves which they did not at present feel'.<sup>212</sup>

While the path towards municipal government was relatively smooth and straightforward for a handful of districts, such as Bothwell, Ross and New Norfolk,

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<sup>206</sup> CC, 7 August 1861; *Mercury*, 3 March 1860.

<sup>207</sup> *Mercury*, 8 June 1859, 3 August 1859, 6 March 1863, 16 November 1859, CC, 20 January 1866; *Mercury*, 16 October 1858 'Spring Bay and the Police' Joh Shadwich; James Grant to Colonial Secretary, 22 October 1862, AOT, Colonial Secretary Department: General Correspondence Files: Fingal Municipality (Ref: CSD 4/15 file no. 123).

<sup>208</sup> *Examiner*, 30 October 1860, CC, 7 August 1861.

<sup>209</sup> *Mercury*, 16 November 1859; *Examiner*, 22 October 1859 'Deloraine Rural Municipality' by One of the Majority.

<sup>210</sup> *Mercury*, 16 November 1859.

<sup>211</sup> CC, 7 August 1861.

<sup>212</sup> *Mercury*, 8 November 1862.

advocates for municipal action often faced opposition in the rest. Initially, in 1859 and 1860, movements for municipalities were scuttled on the grounds that the district was either not ready or unsuited for municipal government,<sup>213</sup> or that it would result in an increase in local taxes, something most settlers were looking to avoid.<sup>214</sup> Colonists were also often wary of the motives of those who promoted municipal government, believing that it had less to do with improving the general welfare of the district and more to do with personal financial and social advancement.<sup>215</sup> In some districts as well, opposition to municipal action was either openly or covertly organized by existing police officials, who were threatened with unemployment if the movements were successful.<sup>216</sup>

Later on, municipalities were either opposed or delayed by divisions upon the lines of class or geography. For instance, a municipality at Fingal was initially opposed by some large landowners in the district, who felt they would unjustly shoulder much of the financial costs of the new council.<sup>217</sup> Some small landholders in Westbury and Longford also protested that the establishment of municipalities in their district would only benefit the wealthy, while financially crippling the poor.<sup>218</sup> But the greatest obstacle preventing municipal action was disagreement over municipal boundaries and ensuring equitable representation of all territorial areas on the new municipal councils. Problems with determining suitable boundaries delayed the proclamation of municipalities in Campbell

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<sup>213</sup> *Examiner*, 30 October 1860, *HTA*, 15 November 1859; Counter Petition to proposed Fingal Municipality, October 1861, *AOT*, Colonial Secretary Department: General Correspondence Files: Fingal Municipality (Ref: CSD 1/41 file no. 5201).

<sup>214</sup> *Mercury*, 6 November 1859; *Examiner*, 4 October 1859.

<sup>215</sup> *Mercury*, 24 September 1860.

<sup>216</sup> *Mercury*, 7 September 1860 'Rural Municipality for Spring Bay' by Charles Meredith; Albert Potter to Colonial Secretary, 5 December 1861, *AOT*, Colonial Secretary Department: General Correspondence Files: Sorell Municipality (Ref: CSD 1/138 file no. 5054).

<sup>217</sup> Copy of Counter Petition against the formation of a rural municipality for Fingal, February 1861, *AOT*, Colonial Secretary Department: General Correspondence Files: Fingal Municipality (Ref: CSD 1/41 file no. 5201).

<sup>218</sup> *CC*, 12 August 1863 'A Warden for Westbury' by An Old Solider; *CC*, 29 June 1861 'Longford Municipality', by One Who Was Rated at 7s Per Annum, But Now Is Disenfranchised.

Town,<sup>219</sup> Clarence,<sup>220</sup> Deloraine,<sup>221</sup> Evandale,<sup>222</sup> Green Ponds,<sup>223</sup> Glenorchy<sup>224</sup> and Westbury.<sup>225</sup>

At Glamorgan, a dispute arose between the residents of Swansea and Bicheno over where the council should sit, and whether each township should be guaranteed seats at the council table.<sup>226</sup> A similar dispute was experienced at Spring Bay, between the inhabitants of Triabunna and Buckland, over what township should be the natural centre of the municipality.<sup>227</sup> At Clarence, residents of Cambridge initially resisted joining that municipality, unwilling to pay for amenities in the Clarence district they claimed they never used.<sup>228</sup> The smaller settlements on the outskirts of Deloraine and Longford also initially resisted joining those municipalities from a desire not to be controlled by and from their larger neighbour.<sup>229</sup>

These divisions were apparent in the first elections held in the various municipalities. Plural voting meant that the more prominent, wealthy and large landowning class in each district dominated the elections. Strangely enough, in some districts anti-municipality

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<sup>219</sup> Minute Paper for Executive Council, 6 August 1866, *AOT*, Colonial Secretary Department: General Correspondence Files: Campbell Town Municipality (Ref: CSD 4/96 file no. 1033).

<sup>220</sup> *Mercury*, 1 October 1860 'The Rural Municipality of Cambridge and Clarence' by A Resident of the District.

<sup>221</sup> Colonial Secretary to Attorney General, 27 October 1863, *AOT*, Colonial Secretary Department: General Correspondence Files: Deloraine Municipality (Ref: CSD 4/43 file no. 579).

<sup>222</sup> Colonial Secretary to John Ralston, 23 June 1865, *AOT*, Colonial Secretary Department: General Correspondence Files: Evandale Municipality (Ref: CSD 4/70 file no. 539).

<sup>223</sup> F. E. Teusch to Colonial Secretary, 9 September 1861, *AOT*, Colonial Secretary Department: General Correspondence Files: Green Ponds Municipality (Ref: CSD 1/140 file no. 5181).

<sup>224</sup> *Mercury*, 18 January 1861; 29 October 1862 'Rural Municipality of Glenorchy' by H; 1 November 1862 'Rural Municipality of Glenorchy' by One in Favour of the Division.

<sup>225</sup> Colonial Secretary to F. J. Jones, 1 April 1863, *AOT*, Colonial Secretary Department: General Correspondence Files: Westbury Municipality (Ref: CSD 4/70 file no. 407).

<sup>226</sup> *Mercury*, 3 March 1860; *HTA*, 21 April 1860.

<sup>227</sup> *Mercury*, 10 October 1860; *HTA* 17 September 1860.

<sup>228</sup> *Mercury*, 27 April 1860.

<sup>229</sup> *CC*, 2 November 1861; counter-petitions 25 October 1861, *AOT*, Colonial Secretary Department: General Correspondence Files: Longford Municipality (Ref: CSD 1/132 file no. 4828); Counter Petition to the formation of a municipality at Deloraine, *AOT*, Colonial Secretary Department: General Correspondence Files: Deloraine Municipality (Ref: CSD 4/43 file no. 579).



tickets also contested elections, with candidates vowing to do all in their power to obstruct municipal business.<sup>230</sup> All were comprehensively defeated, though in some districts, like Clarence and Fingal, some opponents of municipal action were eventually elected onto the new councils.<sup>231</sup> In some municipalities, certain geographical areas were well represented at the expense of others. For example, the majority of members of the new Glamorgan municipal council came from Swansea.<sup>232</sup> Likewise the majority of councillors of the Clarence municipality hailed from Clarence.<sup>233</sup> In the bigger rural municipalities like Ross and Hamilton, members of the new council were drawn from the wealthy landowners in the country, with the towns at their centre obtaining only minimal representation.<sup>234</sup>

The *Rural Municipalities Act* 1858 was the cornerstone of the permissive system of local government in Tasmania. This system had been introduced as a result of the troubled early attempts at establishing municipal government in the Australian colonies during the early 1840s. The lesson drawn from this early experience was that comprehensive and compulsory municipal government could not be forced upon the colonists, and greater flexibility was required when introducing local bodies into the colonies. The permissive system was a compromise between a strong desire for municipal institutions – particularly to foster decentralization – and an acknowledgement that one could not simply transfer the political arrangements of one country into another.

The new system was based upon four tenets – that control of municipal government was to be put in the hands of colonial legislatures; that the Governor would have

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<sup>230</sup> *Mercury*, 3 March 1860; *Mercury*, 3 August 1861.

<sup>231</sup> *Mercury*, 7 November 1860; *HTA*, 4 March 1863.

<sup>232</sup> *Mercury*, 3 March 1860.

<sup>233</sup> *Mercury*, 14 November 1860.

<sup>234</sup> *Mercury*, 2 October 1863; *CC*, 21 February 1863.

discretion in proclaiming new municipal councils; that generous government aid should be available to help fledging municipal bodies onto their feet; and that different local authorities could be created to suit Australian conditions. In Tasmania, it resulted in the establishment of nineteen rural municipalities in most of the colony that had long been relatively settled, and in non-municipal parts of the island provision had been made for residents to take charge of local roads if they so desired.

Much was expected of the permissive system. The *Mercury* in 1863, for instance, proclaimed that local government was ‘eminently calculated to develop the intelligence and above all the self-reliance of the people, whilst it tends in an incredible degree to the material improvement of districts subjected to its operation’.<sup>235</sup> It also freed the colonial legislature from ‘much of the work that unprofitably engages its attention and consumes its time’.<sup>236</sup> Along with these objectives, the permissive system was further expected to be an effective and efficient means of managing local affairs, and to relieve the colonial treasury of many financial burdens, especially police and public works.<sup>237</sup> To determine whether it achieved these aims will be the focus of second part of this thesis.

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<sup>235</sup> *Mercury*, 23 March 1863.

<sup>236</sup> *Mercury*, 14 March 1863.

<sup>237</sup> *ibid.*

## **Part II:**

### **The Permissive System 1858-1907**

## Introduction

In the previous section we saw how the troubled history of many of the municipal bodies formed in the Australian colonies during the 1840s subsequently led to the creation of the so-called 'permissive' system of local government in the 1850s. As soon as the mainland colonies gained responsible self-government, Acts were created in South Australia,<sup>1</sup> Victoria,<sup>2</sup> New South Wales,<sup>3</sup> Queensland,<sup>4</sup> and Western Australia<sup>5</sup> introducing voluntary rural municipal government. In some cases, such as Victoria and South Australia, municipal institutions were readily embraced by settlers, and soon most of the colony was under municipal government.<sup>6</sup> In other colonies, such as New South Wales, municipalisation was carried out in a more incremental *ad-hoc* manner, and large parts of settled lands remain unincorporated. But in all colonies under the permissive system of local government, municipal councils co-existed alongside other local bodies carrying out various functions. For instance, Victoria had boards and shires responsible for rural roads and other duties,<sup>7</sup> Western Australia had road boards, town trusts and local boards of health,<sup>8</sup> while New South Wales had drainage trusts, water trusts and irrigation trusts.<sup>9</sup>

The evolution of local government in New Zealand during the nineteenth century was similar. The country had dabbled with local institutions during the 1840s,

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<sup>1</sup> *Districts Councils Act* 1852.

<sup>2</sup> *Municipal Institutions Act* 1854.

<sup>3</sup> *Municipalities Act* 1858.

<sup>4</sup> *Municipal Institutions Act* 1864.

<sup>5</sup> *Municipal Institutions Act* 1871.

<sup>6</sup> A. Davies, *Local Government in Victoria* (Melbourne 1951) p. 13; B. Barrett, *The Civic Frontier: the origin of local community and local government in Victoria*, (Carlton 1979) pp. 236-41

<sup>7</sup> Barrett, *The Civic Frontier*, pp. 84-93

<sup>8</sup> J. R. H. Johns, 'The Development of Local Government in Western Australia', *Public Administration* (Sydney), 8(4), 1949, pp. 172-179

<sup>9</sup> F. A. Larcombe, *A History of Local Government in New South Wales: the stabilization of local government in New South Wales 1858-1906* (Sydney 1976)

without much success.<sup>10</sup> Following the creation of provincial government in the early 1850s Acts were passed creating municipal councils and town boards for urban areas and road boards for country districts. From the 1870s these bodies were complemented by county boards and town districts, as well as a plethora of *ad-hoc* bodies such as rabbit boards, harbour boards, local boards of health and drainage boards.<sup>11</sup>

In Tasmania, the permissive system emerged from the late-1850s as a result of two Acts of parliament. The first, the *Cross and Bye Roads Act* 1852, allowed settlers to create trusts to look after local roads. The second Act, the *Rural Municipalities Act* 1858, enabled country areas to establish municipal councils if they desired. Other Acts would follow in the fifty-year permissive system era, creating various bodies for different purposes such as fruit boards, rabbit boards, water trusts, cemetery trusts, town boards, and local boards of health. In 1902 the total number of these bodies was estimated as follows:

**Table 2:1 Local Bodies under the Permissive System 1902**

	No. of Bodies	No. of
Members		
Municipalities (including Hobart and Launceston)	21	151
Road Trusts	102	714
Fruit Boards	34	238
Cemetery Trusts	37	111
Recreation Trusts	30	216
Local Boards of Health	79	237
Boards of Advice	43	301
Town Boards	20	140
Total	354	
	2192	

(Source: *Mercury*, 17 July 1902)

<sup>10</sup> W. B. Sutch, 'Local Government in New Zealand: a history of defeat', in R. J. Polaschek (ed.), *Local Government in New Zealand*, (Wellington 1956) p. 12-17.  
<sup>11</sup> See G. W. A. Bush, *Local Government and Politics in New Zealand*, (Auckland 1980) pp. 11-32; J. Cookson, 'How British? Local government in New Zealand to c.1930', *New Zealand of History*, 41 (2), 2007 pp. 143-157.

The purpose, therefore, of this part of the thesis is to detail the evolution of the permissive system from the 1850s to the early 1900s and see whether it fulfilled the expectations of those who had earnestly championed the cause of local institutions when the colony had been granted responsible self-government. It will argue that, in spite of its longevity, by the early 1900s the permissive system of local government in Tasmania was under severe strain. In some cases, local bodies were either failing or simply unable to carry out the tasks designated to them. For instance, from the mid-1880s rural municipalities were expected to carry out various public works to improve the health and well-being of their residents. A slim majority of municipalities did not do so. The road trust system, designed to maintain local cross and bye roads built by the government, was by the early 1900s failing adequately to perform this role. The boards established from the late 1870s to eradicate the codlin moth and rabbit pests that plagued the colony failed to curb both nuisances.

In other instances, local bodies were carrying out useful works, but were prevented from reaching their full potential by a lack of financial resources. The town board system is one such example. Some town boards were very active, completing numerous works for the benefit of local inhabitants. But as they borrowed large amounts of money to do so, this debt restricted other works which boards wanted to carry out. In other cases, boards wanted to begin various works, but were prevented in doing so by their limited finances.

Several attempts were made by the central government from the 1880s to fix the problem of the permissive system and improve the performance of local bodies. To make local bodies more responsive to the needs of those under their jurisdiction the franchise was liberalized, opening up the affairs of local government to the middle-class and poorer residents of the community. An effort was made to amalgamate

existing local bodies into bigger units, thereby increasing the financial resources available for local purposes. Finally, the central government promoted the idea of local financial responsibility. By cutting grants-in-aid to local bodies and forcing them to rely primarily on their own revenue for works, the government hoped that local financial responsibility would improve the efficiency and effectiveness of local bodies.

These reforms, however, had limited success. The reduction in grants-in-aid and the economic depression of the early 1890s exposed the weaknesses of the permissive system. It became increasingly clear that the most effective solution to the problems confronting local government was to hand over responsibility for works carried out by the numerous *ad-hoc* bodies of the permissive system to the largest local body existing in the colony – the municipal council. As only a portion of the colony was covered with municipal councils, however, a problem arose. If the aim was to place all local responsibilities onto the shoulders of municipal councils, one had to ensure that municipal government was extended throughout the island. The ailing permissive system, therefore, would provide an impetus towards comprehensive municipal reform.

This part is divided into four chapters, each examining the important local bodies in the permissive system. The third chapter will examine the history of the nineteen rural municipalities created under the *Rural Municipalities Act* 1858. The fourth chapter will explore the evolution of the road trust system from the 1850s to the early 1900s. The fifth chapter will look at the boards established to deal with the codlin moth and rabbit pests. Finally, the sixth chapter will focus on the town board system and its contribution to local government in the colony.

### Chapter Three: “Mere Skeleton Bodies”: the nineteen rural municipalities 1860-1907

Municipal government, introduced into rural Tasmania by the *Rural Municipalities Act* 1858, was greeted with initial wariness by some of the colonists, but soon embraced by most of the settled districts of the colony. The first municipality established under the Act was in 1860 at Glamorgan, followed soon after by bodies formed at Spring Bay and Clarence. Other municipalities were established in Richmond and Oatlands (1861); Longford, Green Ponds, Sorell, Bothwell and Ross (1862); Fingal, New Norfolk, Hamilton, Brighton, Westbury and Deloraine (1863); and Glenorchy (1864), Evandale (1865) and Campbell Town (1866). The majority of the new municipalities were located in the flat, open, grassy corridor of the Midlands between Hobart and Launceston. This portion of the colony contained those districts that had been settled during the convict period, in contrast to the ‘forested fringes’ of the island which by the early 1860s were only relatively sparsely occupied.

Much was expected of these new bodies. As was shown in the last chapter, the motivation behind the establishment of municipal government in the colony was to foster decentralization. This was deemed necessary for a variety of reasons, primarily a desire to check the power of the executive and so avoid some of the worst excesses of centralized administration experienced during the convict period.<sup>1</sup> But it was also hoped that the municipalities would promote certain civic values deemed necessary for successful self-government, be an effective and efficient means of managing local affairs,

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<sup>1</sup> See S. Petrow, ‘The State’ in A. Alexander (ed.), *The Companion to Tasmanian History*, (Hobart 2005) p. 484.



and relieve the colonial treasury of particular financial burdens, especially police and some public works.<sup>2</sup>

It was therefore anticipated that rural municipal government would play an important role in the future settlement of the new free colony of Tasmania. The *Cornwall Chronicle* in 1860, for instance, saw 'local self-government' as 'the source of political independence and popular liberty in the nation at large. Free government can only arise from a continued gradation of free institutions, so that there is political life and energy from parish meetings up to the assembly of parliament'.<sup>3</sup> A. F. Rooke, member for Deloraine, told the House of Assembly in that year that 'municipal action was the foundation of free institutions, and that it was the school for future legislators'.<sup>4</sup> The *Mercury* in 1863 also proclaimed that 'looking at our rural municipalities as a whole, no institutions have worked better, or have left, during so brief a space, such enduring marks of their unmistakable usefulness...wherever they exist much has been done in the way of local improvements, and more has been projected'.<sup>5</sup> Furthermore:

we look to the improvements these municipalities have made in their respective districts; we look to the training the residents in them are undergoing in their art of local self-government; we look to the confidence in each other, and to the joint efforts of each for the good of the whole, inspired by their being left to the management of their own affairs, as among the best and noblest fruits of these institutions.<sup>6</sup>

The purpose of this chapter is to examine the record of the nineteen rural municipalities established between 1860 and 1866 and determine whether they lived up to such expectations. Did the rural municipalities make an important contribution to the development of the colony between 1860 and 1907, carrying out local improvements and

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<sup>2</sup> *Mercury*, 14 March 1863, 23 March 1863.

<sup>3</sup> *Cornwall Chronicle* (CC), 25 July 1860.

<sup>4</sup> *Mercury*, 29 August 1861.

<sup>5</sup> *Mercury*, 30 November 1863.

<sup>6</sup> *Mercury*, 12 November 1863.

promoting civic values essential for self-government? Or did they accomplish little, an accusation made by the *Examiner* newspaper in 1906 which called the rural municipalities 'mere skeleton bodies, without municipal flesh and blood'.<sup>7</sup>

To date, the nineteen rural municipalities that existed in the colony between 1860 and 1907 have received little attention from historians. The literature that does exist on the bodies can be split into three groups. The first group contains the brief mentions of the rural municipalities in the works of either political science or general Tasmanian history.<sup>8</sup> The second group consists of those works of local history that have incorporated a short summary of the municipal council existing in the local district.<sup>9</sup> In most cases, these local histories just give details of the first municipal council meeting held in the area, list some of the more prominent councillors of the period, and mention a few of the achievements of the municipal council itself. The third group consists of those works commissioned by the municipal councils themselves to celebrate centenaries and other

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<sup>7</sup> *Examiner*, 18 January 1906.

<sup>8</sup> See W. A. Townsley, *Tasmania: from colony to statehood 1803-1945*, (Hobart 1991) p. 306; *The Government of Tasmania*, (St. Lucia, 1976) p. 7; L. L. Robson, *A History of Tasmania*, (Melbourne 1983) Vol. II p. 309; R. L. Wettenhall, *A Guide to Tasmania Government Administration*, (Hobart 1968) p. 313; G. H. Knibbs, *Local Government in Australia*, (Melbourne 1919) p. 122-127; R. Chapman 'Tasmania', in J. Power, R. Wettenhall and J. Halligan, *Local Government Systems of Australia*, (Canberra 1981) p. 714; K. R. Von Stieglitz, *A History of Local Government in Tasmania: from the earliest settlement of Van Diemen's Land to the present time*, (Hobart 1958) pp. 60-66.

<sup>9</sup> See B. Rait, *The Campbell Town Story*, (Campbell Town 1971) pp. 7-8; *The Story of Westbury, 1823-1973*, (Launceston 1973) pp. 11-12; *The Story of Richmond*, (Launceston 1974) p. 9; T. W. Davenport, *Spirit of Clarence: a Tasmanian community*, (Rosny Park 1989) pp. 88-97; S. Lester, *Spring Bay, Tasmania: a social history?* (Hobart 1994.) pp. 129-135; J. E. Thorp, *Centenary of Campbell Town, Tasmania 1821-1921 : early history of the town and district*, (Hobart 1922) pp. 16-17; J. R. Skemp, *A History of Deloraine: from the earliest settlement to the present day*, (Launceston 1964) pp. 31-33; J. S. Weeding, *A History of Oatlands*, (New Norfolk 1988) pp. 11-13; K. R. Von Stieglitz, *Days and Ways in Old Evandale*, (Launceston 1946) pp. 16-17; *A Short History of Deloraine: with some notes on the surrounding district*, (Evandale 1950) p. 27; *Longford: past and present*, (Launceston 1947) pp. 14-15; *A History of Oatlands and Jericho*, (Launceston 1960) pp. 59-60; *A Short History of Ross: with some tales of the pioneers*, (Launceston 1949) p. 19; *Then and Now in Old Westbury: with notes on Exton, Hagley and Carrick*, (Launceston 1946) p. 11; *Richmond: the story of its people and its places*, (Launceston 1953) pp. 29-30.

milestones.<sup>10</sup> While these works go into greater detail about the work carried out by municipal councils during the colonial period, they are still focused only on the experience of one municipality and are often far from critical about their subject. A detailed and comparative study of the experience of all nineteen rural municipalities between 1860 and 1907 does not yet exist.

Of the more substantial analysis of rural municipal government during colonial times, all have stressed the close connection between issues of law and order and municipal government, and have seen councils as the preserve of local elites. Henry Reynolds, for instance, in 1969 saw the establishment of rural municipalities as part of a wider trend by conservative “wool-kings” to entrench their power after responsible government.<sup>11</sup> He notes that in most municipalities a minority of around 15 to 25 per cent of electors often held a majority of votes.<sup>12</sup> Roger Wettenhall, in an influential article, is sympathetic to this view.<sup>13</sup>

In a similar vein, Shayne Breen considered that the central function of the municipalities was ‘to provide a system of local legal authority’, with an emphasis on ‘securing good order’.<sup>14</sup> He concludes by saying that ‘local authority in rural Tasmania was the tool of a powerful landed elite, through them, the institutions of local authority

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<sup>10</sup> See W. J. Rowlands, *Richmond's 100 Years of Municipal Government*, (Richmond 1961); P. Cresswell, *Glenorchy 1864-1964: review of a century of progress*, (Glenorchy 1964); A. Alexander, *The Eastern Shore: a history of Clarence*, (Rosny Park 2003) pp. 57-93; *Glenorchy 1804-1964*, (Glenorchy 1986) pp. 51-72; *Brighton and surrounds: a history of Bagdad, Bridgewater, Brighton, Broadmarsh, Dromedary, Elderslie, Mangalore, Old Beach, Pontville and Tea Tree* (Gagebrook 2006); T. R. Macleod, *A History of Green Ponds 1862-1987*, (Green Ponds 1988); B. Davenport, *Glamorgan, Tasmania : the oldest rural municipality in Australia*, (Swansea 1988); Campbell Town Municipality, *Campbell Town Tasmania : history and centenary of municipal government* (Campbell Town 1966) pp. 141-155.

<sup>11</sup> H. Reynolds, “Men of Substance and Deservedly Good Repute”: the Tasmania gentry 1856-187, *Australian Journal of Politics and History*, 15(3), 1969, p. 68.

<sup>12</sup> *ibid.*, p. 69.

<sup>13</sup> R. L. Wettenhall, ‘Towards a Reinterpretation of Tasmania’s Local Government History’, *Journal of the Royal Australian Historical Society*, 67(2), 1981-82, pp. 111-12.

<sup>14</sup> S. Breen, *Contested Places: Tasmania’s northern districts from ancient times to 1900*, (Hobart 2001) p. 116, 119.

gave local expression to conservative British ideas about the natural order of political and legal authority'.<sup>15</sup> Breen also notes that due to a restricted franchise 'most rural councils were dominated by the larger landholders'.<sup>16</sup> Stefan Petrow as well has written on the importance placed by councils on managing police and local justice.<sup>17</sup>

A closer examination of the forty-seven year history of the nineteen rural municipalities, however, reveals that a concern with law and order is not the whole account of municipal government in the permissive system of local government in Tasmania. Following the consolidation of municipal law by the Whyte ministry (1863-1866) in 1865, two main roles were allocated to the rural municipalities. The first was to maintain law and order and administer local justice, but the second was to carry out public works to improve the comfort and well-being of local residents. This chapter will argue that between 1860 and 1907 the role of municipal government in the colony changed, from an initial emphasis on law and order during the 1860s and 1870s to a focus upon public works from the earlier 1880s to 1907.

Reflecting the interest in law and order of the wealthy members who sat upon the councils, control over local police took up much of the time, energy and expense of the rural municipalities during the 1860s and 1870s. In a period of rural economic recession maintaining a police force was a considerable financial burden for municipal councils to bear. This, in turn, meant that after paying salaries to municipal officials little money was left for public works. Rural municipalities instead left reproductive works to other

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<sup>15</sup> *ibid.*, p. 149.

<sup>16</sup> S. Breen, 'Land and Power in the District of Deloraine, 1825-75', *Tasmanian Historical Research Association Papers and Proceedings* (THRAPP), 37(1) 1990, p. 29.

<sup>17</sup> see S. Petrow, 'Policing in Rural Tasmania: Bothwell 1863-1898', *THRAPP*, 47(2), 2000, p. 112; 'Policing in a Rural Mausoleum? Richmond 1861-1898', *Coal River History*, no. 2, 2003 pp. 8-27; 'Economy, Efficiency and Impartiality: police centralization in nineteenth century Tasmania', *Australian and New Zealand Journal of Criminology*, 31(3) 1998 pp. 242-266.

local bodies such as the thirty-six board of works and sixteen trusts created under the *Local Public Works Act 1867*.

The shift of emphasis from an almost exclusive focus on maintaining law and order towards carrying out public works for the benefit of local residents began in the late 1870s and early 1880s. After a checkered history the system of board of works and local trusts was abandoned in the late 1870s, putting public works back in the hands of the government. This was a situation unfavourable to the Legislative Council, who held firm on the principle of local financial responsibility and in the desirability of decentralization. With the colony returning to prosperity, annual values rising, and the finances of most of the municipalities in good order, the central government subsequently looked to municipal councils to carry out more public works. In 1885 the Douglas ministry made the first move in this direction by passing legislation forcing councils to take a greater interest in education and public health in their municipalities.

Around the same time, following criticism of municipal government in the colony and a series of financial scandals that engulfed several councils during the 1870s, a campaign was undertaken to have the municipal franchise reformed to reduce the influence of the wealthy. Ultimately successful with the introduction of the *Rural Voting Act* in 1884, the new extended franchise reduced the number of votes able to be exercised by the wealthy and encouraged greater participation of the poor and middle classes in municipal affairs. It resulted in the rise of progress and improvement associations, who petitioned councils for a variety of public amenities from the late 1880s onwards.

By a combination of government legislation on the one hand, and ratepayer pressure on the other, municipal councils undertook a variety of works such as drainage, water-

supply, the construction of slaughter-houses, footpaths, municipal reserves and recreation grounds, tree-planting, town halls, town lighting as well as subsidizing local libraries and reading rooms. However, after Federation, the poor financial situation of the colony saw successive ministries push for municipal councils to become financially responsible for a greater number of substantial reproductive works. Given that there the rural municipalities encompassed only a portion of the state, local financial responsibility for public works therefore became an impetus towards comprehensive municipal reform.

### *The 1860s and 1870s*

In colonial times, the municipal year began with candidates contesting elections for the following year's council in early December. Soon after, a meeting of the council would be held, victorious candidates sworn in, and officers for the year appointed. First the council would elect a warden from one of its members, followed by the confirmation of the appointments of the two senior officials of the municipality — the council clerk and superintendent of police. The former was responsible for the administration of municipal affairs, including the keeping of accounts, as well as assisting the warden with his magisterial duties. The latter was head of police in the municipality and acted as the public prosecutor in the local courts. Salaries for the warden and the officials would then be set, and committees created to carry out anticipated municipal business for the year.

One of the first tasks of all the municipal councils created in early 1860s was to pass a set of by-laws for the municipality.<sup>18</sup> The Glamorgan council, for example, drafted by-laws for obstructing municipal officers, damaging public property, obstructing streets, opening drains and damaging footpaths, indecent behaviour, blasting rock or stone in the township, resisting the town surveyor or police, supplying prisoners with liquor or clothing, removing goods from the local jetty, and letting pigs, goats, and sheep run loose around the streets.<sup>19</sup> A contentious by-law passed by some municipalities was banning the custom of allowing residents to graze their cattle on the side of local roads.<sup>20</sup> The presence of animals on the streets was considered a nuisance by many in the larger rural towns of the interior, but the by-law upset farmers in the smaller outposts of the municipalities.<sup>21</sup> While some councils strictly enforced the by-law, impounding animals found grazing on roads,<sup>22</sup> other councils were more flexible, allowing a certain laxity in enforcement in rural areas or permitting cattle to be grazed in the evening or early in the morning.<sup>23</sup>

Following the flurry of municipal activity in 1862 and 1863, with the formation of eleven new councils, the Whyte government in 1865 saw fit to consolidate the existing law and fix some anomalies that had arisen from the early history of the rural municipalities. Chief among these was to increase the number of councillors from six to seven, as it was felt that a council of six gave the warden more influence than was

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<sup>18</sup> Archives Office of Tasmania (AOT), Brighton Municipal Council: Minutes 1863-1888 (Ref: MCC 3/1/1) 5 May 1863; Glenorchy Municipal Council: Minutes 1864-1884 (Ref: MCC 12/69/1/1) 15 April 1865.

<sup>19</sup> AOT, Glamorgan Municipal Council: Minutes 1860-1875 (Ref: MCC 44/12/1/1) p25-32.

<sup>20</sup> See [Richmond] *Mercury*, 21 November 1878; 16 July 1897; 23 September 1897; 15 March 1902; 15 December 1903.

<sup>21</sup> *Examiner*, 6 November 1890; 5 June 1895.

<sup>22</sup> See [Deloraine] *Examiner*, 17 January 1893; 2 May 1893.

<sup>23</sup> [Green Ponds] *Mercury*, 20 November 1890; 8 January 1897; 13 December 1899; 14 January 1902; 8 February 1902.

desired.<sup>24</sup> Other changes deemed necessary was to have councils submit proposed by-laws to the government for approval, and to give the Governor power to remove wardens guilty of negligence or corruption in their role as a magistrate in the municipality.<sup>25</sup>

Consolidation of the existing law also gave the government an opportunity to clarify the responsibilities of the new councils, although the *Rural Municipalities Act* 1865 did not expand their powers significantly. Section 77 of the Act made the warden *ex officio* a justice of the peace for the municipality, and the leading magistrate when the local Court of Petty Sessions sat. Section 99 empowered the council to provide a pure supply of water, while section 100 gave the councils further powers to create by-laws regulating bathing, frauds in sales, the cleansing of premises, slaughter-houses, the sale of unwholesome meat, the prevention of fires, the establishment of gardens and places of recreation, and the erection and repair of bridges and public buildings.<sup>26</sup>

In addition, in 1865 the Whyte government passed the *Police Regulation and Police Act*. The former put the municipal council in ‘charge and control’ of the police in the municipality, which was then required ‘to appoint and maintain a sufficient number of fit and able men as constables, for the preservation of the peace by day and by night, the prevention and detection of robberies, felonies, misdemeanors and other offences, the protection of the inhabitants, [and] the security of property within such municipality’.<sup>27</sup> The latter Act set out more specific powers for the municipal police, allowing them to take action against drunkenness, the suppression of vagrants, any disruptions of the observance of the Lord’s Day; the drowning of animals, and the non-registration of dogs.

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<sup>24</sup> *Mercury*, 10 August 1865.

<sup>25</sup> *Mercury*, 10 August 1865, 9 September 1865.

<sup>26</sup> *The Rural Municipalities Act* 1865.

<sup>27</sup> *The Police Regulation Act* 1865 section 17.



Of particular interest are the sections under the heading of ‘health and improvement of towns’. Section 184 empowered a municipal council to undertake the ‘paving, draining, cleansing, lighting and all other matters...relating to the good order of towns in any municipality’. Section 187 allowed a municipal council to appoint an officer of health, whose duty was to ‘point out any nuisances or other local causes likely to cause and continue such diseases or otherwise injure the health of inhabitants’.<sup>28</sup>

By virtue of these Acts the rural municipalities had two main roles. The first was to maintain law and order and administer local justice, and the second was to carry out public works to improve the comfort and well-being of local residents, as well as expanding commerce and maintaining property values.<sup>29</sup> During the late 1860s and throughout the 1870s, it was the first of these roles that took up much of the time, energy and expense of the rural municipalities. As John Swan, who spent time as warden of both the Fingal and Campbell Town municipalities, and later became the Inspector of Police, told a parliamentary select committee in 1870: ‘the principal and first duty of a municipal council is to protect the lives and property of the inhabitants of the district, and consequently their principal duty is the management and control of police’.<sup>30</sup>

The duties that came with local control of the police force were many — there was the construction and regular repair of police buildings (gaols, outstations and living quarters); the hiring and then distribution of constables around the municipality; the handling of constant requests from ratepayers for a constable in their district, as well as

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<sup>28</sup> *Police Act 1865*.

<sup>29</sup> See M. Scott, ‘Local Government’ in Alexander (ed.), *The Companion to Tasmania History*, p. 219.

<sup>30</sup> ‘Municipal Accounts: report from select committee’, *Tasmanian House of Assembly Journals*, 1870, paper no. 107, Evidence p. 6.

the occasional complaints against constables; the supply of clothing and forage allowances, as well other minor matters such as inquests.<sup>31</sup>

Given the great cost of establishing a police force, the councils relied on the generous aid promised to them over a five year period by the government from 1860; just over one third of the total revenue received by all nineteen rural municipalities in 1866 for instance came from grants-in-aid alone.<sup>32</sup> When the government hinted that it would like to withdraw this amount of aid given annually at the end of this period, councils protested.<sup>33</sup> One petition from the Hamilton council read that 'your petitioners cannot but look upon the sudden and entire withdrawal of aid without any equivalent advantages being given in any other light than as a gross breach of faith, impolitic, and calculated to prove highly injurious to the welfare of the colony'.<sup>34</sup> The Westbury council thought the move was 'unfair and oppressive in operation, and will involve a considerable amount of additional taxation upon the ratepayers of this municipality'.<sup>35</sup>

A select committee appointed by parliament in 1864 to consider the issue had recommended a system of distribution of aid put forward by the warden of Clarence, Edward Abbott. He proposed that the government appoint an inspector to tour the colony annually and determine the minimum expense required to keep an adequate police force in each municipality. The fixed salaries of the warden (£100), council clerk (£150) and superintendent of police (£175) would then be added to this figure. The councils would

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<sup>31</sup> See Petrow, 'Policing in Rural Tasmania', pp. 112-125.

<sup>32</sup> *Statistics of Tasmania*, 1866, p104.

<sup>33</sup> See 'Grants-in-Aid of Municipalities: petitions against alteration of existing law', *Tasmania Legislative Council Journals*, 1866, Session II, paper no. 13; 'Grants-in-Aid to Municipalities: petition from Brighton and Westbury', *ibid.*, paper no. 19.

<sup>34</sup> 'Grants to Municipalities: petition of ratepayers against entire withdrawal', *Tasmania Legislative Council Journals*, 1866, session II, paper no. 11 p. 1.

<sup>35</sup> 'Grants-In-Aid to Municipalities: petition against withdrawal from municipal council of Westbury', *Tasmania Legislative Council Journals*, 1866, Session II, paper no. 14 p. 1.

be compelled to levy a minimum rate of sixpence in the pound, with the difference between the funds raised by the rate and the figure determined by the inspector to be paid as aid by the government.<sup>36</sup> This was rejected by the new Dry ministry that came to power in late 1866, which, with the colony experiencing an economic downturn, was looking to reduce public expenditure as much as possible.<sup>37</sup> The feelings of the government were frankly put to the warden of Evandale John Ralston by the Premier in April 1867. Dry wrote that 'I trust that in the present financial state of the colony, your council will see the wisdom of administering the affairs of your municipality with such strict regard to economy that the diminution of the grants-in-aid may lead to small, if any, increase in the local burdens, whilst it will afford considerable relief to the general revenue and thus avert the necessity for further taxation'.<sup>38</sup>

In September, the government announced the new terms upon which aid would be given. The government would subsidize only police expenditure, not municipal salaries.<sup>39</sup> Each council would be required to levy a nine-pence in the pound police rate, with the government to pay any excess cost of maintaining police after the inspector of police certified that 'the cost of police in such municipality is reduced as low as is consistent with efficiency'.<sup>40</sup> Under the new arrangements seven municipalities, including five of the top six wealthiest (in terms of annual values), no longer required government aid;<sup>41</sup> while three required only small amounts of aid.<sup>42</sup> The majority of the

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<sup>36</sup> 'Aid to Municipalities: report of select committee', *Tasmanian House of Assembly Journals*, 1864, paper no. 87 p. 3.

<sup>37</sup> *Mercury*, 1 September 1866.

<sup>38</sup> CC, 6 April 1867.

<sup>39</sup> See Circular distributed to all rural municipalities, 11 October 1867, AOT, Hamilton Municipal Council: Inward Correspondence 1866-1912 (Ref: MCC 15/2/1)

<sup>40</sup> *Tasmania Legislative Council Journals*, 1867, p. 53.

<sup>41</sup> Evandale, Campbell Town, Deloraine, Westbury, Oatlands, Longford and Hamilton.

<sup>42</sup> Brighton, Bothwell and Ross.

government aid went to nine municipalities — five of which were the smallest municipalities in terms of size,<sup>43</sup> while six had the lowest annual values in the municipal system.<sup>44</sup>

Greater financial responsibility for police expenditure would subsequently become a considerable burden for the municipalities to bear. From 1866 to 1879 the money allocated to police purposes was nearly 55 to 65 per cent of the municipal councils’ annual budgets:

**Table 3:1 Total Police Expenditure and Percentage of Police Expenditure to Total Annual Expenditure of the Nineteen Rural Municipalities 1866 to 1879:**

Year	Police Expenditure (£)	Percentage of Total Expenditure
1866	13,276	56
1867	13,008	53
1868	13,069	57
1869	13,237	61
1870	13,585	65
1871	13,272	59
1872	12,526	57
1873	11,641	57
1874	11,423	62
1875	13,263	64
1876	13,944	61
1877	13,091	61
1878	13,761	59
1879	14,038	55

(Source: annual municipal accounts, Tasmanian Statistics 1867-1880)

<sup>43</sup> Richmond, Sorell, Green Ponds, Clarence and Glenorchy.  
<sup>44</sup> Sorell, Green Ponds, Glenorchy, Clarence, Spring Bay and Glamorgan.

In some municipalities the proportion of money spent for police purposes was higher than these averages. For instance, the Clarence and Ross municipalities spent between 66 to 70% of their expenditure on police during the 1870s, Glenorchy regularly between 70 and 74%, while Fingal, Evandale and Longford got as high as 77%.<sup>45</sup> Take into account the annual salaries paid to the warden and council clerk (usually around 20% of the municipal expenditure) and that leaves little money for fulfilling the second role of municipal government — public works.

Consequently, the achievements of the rural municipal councils in this regard were quite modest. Most councils were content to levy as small a rate as possible which, along with grants-in-aid from the government, allowed them just to cover salaries and police expenses. This was often in response to ratepayer pressure for low rates in a period of great hardship for many rural residents in the colony. In other municipalities — Sorell, Fingal, Deloraine and Green Ponds for instance — large debts and declining annual values restricted council activity. Only a handful of councils engaged in substantial public works, mostly road construction and repair. Councils had been given the power to build roads under the 1858 Act, but most districts opted to leave road construction in the hands of their local road trust. Longford and Clarence were exceptions. Both councils took control of roads off their local road trusts for a period during the 1860s, the Clarence council spending £1933 on roads between 1861 and 1868, Longford around £700. On the East coast, the Spring Bay council spent approximately £2000 on road construction

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<sup>45</sup> Annual accounts, *Hobart Town Gazette* (HTG) 1867-1880.

between 1861 and 1874,<sup>46</sup> while the Glamorgan council spent around £2500 during the same period.<sup>47</sup>

However, road construction and maintenance created political problems for the councils engaged in the task. It required a larger than average rate, something not always appreciated by all ratepayers, especially when rural areas were affected by financial hardship during the late 1860s. The councils were also regularly pressed by aggrieved landholders in the more outlying parts of the municipality wanting roads to their district.<sup>48</sup> In response, the Clarence, Glamorgan and Spring Bay councils proposed of splitting their municipalities into wards for the purpose of allocating funds for road construction, but the idea was soon discarded as being unworkable given the small sums that would be available to each ward.<sup>49</sup> Eventually, it was deemed expedient to hand over the task of road construction to road trusts existing in the municipalities, especially as the trusts received generous aid from the government for road maintenance.<sup>50</sup>

An issue closely related to road construction was the maintenance of streets in the towns of municipalities. Technically they were the responsibility of municipal councils, but most councils came to an informal arrangement with their local road trust whereby the trust could rate town properties on the condition that they spend an appropriate amount on street repair during the year.<sup>51</sup> This arrangement worked satisfactorily up until

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<sup>46</sup> *Mercury*, 15 October 1873, 6 December 1873, 9 December 1874, 21 April 1875, 16 January 1876, 14 June 1876.

<sup>47</sup> *Mercury*, 17 May 1879, 11 June 1879, 6 September 1879.

<sup>48</sup> *Mercury*, 27 November 1880; 16 December 1881.

<sup>49</sup> *Mercury*, 2 September 1867, M, 15 July 1884, 20 August 1879.

<sup>50</sup> See [Clarence] *Mercury*, 28 October 1867, [Spring Bay] *Mercury*, 16 September 1889; 29 January 1890; 21 February 1890.

<sup>51</sup> *Daily Telegraph* (DT), 8 August 1905.

school.<sup>192</sup> By the early 1880s a series of parliamentary inquiries criticised the existing system, and recommended education be brought under more rigorous government control.<sup>193</sup> However, parliament also thought that some sort of local involvement was still necessary to ensure the new scheme would succeed.<sup>194</sup> The existing system of local boards had proved to be a failure. A Royal Commission report on education in 1883 had found that ‘the position of members of local boards has been so completely false; so fertile of vexatious duties and irksome responsibilities; so barren of dignity and real usefulness, that eligible persons have either stood aloof altogether, or having accepted the position, have found it impossible to take continuous interest in their unprofitable labour’.<sup>195</sup>

While placing responsibility for schools onto a new education minister, the *Education Act 1885* also created new local bodies called Boards of Advice. Still appointed by the government, the new boards were given greater powers than the previous local boards. Their role was to ‘exercise general supervision over the schools in the district’, carry out repairs, and ensure regular pupil attendance. But they were also able to regulate the use of school buildings, suspend teachers for misconduct, and close schools if necessary.<sup>196</sup> Almost immediately, the new education minister Edward Braddon declared that the municipal councils would become *ex officio* Boards of Advice.<sup>197</sup>

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<sup>192</sup> *Public Schools Act 1868*.

<sup>193</sup> D. Phillips, *Making More Adequate Provision: state education in Tasmania 1839-1985*, (Hobart 1985) pp. 74-76.

<sup>194</sup> *ibid.*, p. 77.

<sup>195</sup> ‘Education: report of Royal Commission’, *JPPP(Tas.)*, 1883, paper no. 70 p. xxxvi-vii.

<sup>196</sup> *Education Act 1885*.

<sup>197</sup> ‘Education Department: report for 1886’, *JPPP(Tas.)*, 1887, paper no. 87 p. 3; see also Chief Secretary to Hamilton Municipal Council, 2 August 1886, *AOT*, Hamilton Municipal Council: correspondence received from Chief Secretary 1883-1890 (Ref: MCC 15/7).

Enforcing the provisions of the *Education Act* was therefore duly carried out by the municipal councils from the mid-1880s, along with the responsibility of cleaning and removing night-soil from schools, supplying firewood for warmth, vetting the application of prospective free-scholars, and granting holidays when school clashed with other local activities.<sup>198</sup> The government up until 1900 was happy with their work. The annual report in 1894 for instance noted that ‘the boards of advice have, as a whole, done much to further the interests of the schools in their respective districts. Where their work is done well the results are so obvious and gratifying’.<sup>199</sup> Reformers brought into the state after Federation were less pleased with the boards, criticizing the laxity in enforcing regular attendance<sup>200</sup> and their spendthrift nature in some cases. The 1905 annual report recommending that the existing practice of boards applying to the government for funds for repairs be replaced with more local financial responsibility.<sup>201</sup>

Along with education, 1885 also saw municipal councils given more responsibility over public health. Despite being empowered by the *Police Act* 1865 to make sanitary improvements, during the 1870s most of the municipal councils gave the subject scant regard. Some minor works of drainage were carried out,<sup>202</sup> but, as a correspondent to the *Mercury* put it, ‘as to proper sewerage, the great question is that it involves too large an outlay for small townships and a heavier rate than they can bear’.<sup>203</sup> The Spring Bay

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<sup>198</sup> see *AOT*, Bellerive Board of Advice: Minutes 1902-1907 (Ref: LA 79/4); Glamorgan Board of Advice: Minutes 1886-1899 (Ref: LA 17/8); Campbell Town Board of Advice: Minutes 1886-1908 (Ref: LA 8/3); Ross Board of Advice: Minutes 1887-1907 (Ref: LA 58/2/1); Green Ponds Board of Advice: Minutes 1887-1899 (LA 24/5); Sorell Board of Advice: Minutes 1887-1907 (Ref: LA 85/1).

<sup>199</sup> ‘Education Department: report 1894’, *JPPP(Tas.)*, 1895, paper no. 19 p. 10.

<sup>200</sup> G. W. Rodwell, *With Zealous Efficiency: progressivism and Tasmania state primary education 1900-1920*, (Darwin 1992) p. 35; D. V. Selth, ‘The Effect of Poverty and Politics on the Development of Tasmanian State Education 1900-1950’, (MA Thesis University of Tasmania 1969) Chapter 2.

<sup>201</sup> ‘Education Department: report 1905’, *JPPP(Tas.)*, 1906, paper no. 12 p. 11.

<sup>202</sup> See [Oatlands] *Mercury*, 18 January 1871, 7 March 1871, 4 April 1871.

<sup>203</sup> *Mercury*, 11 July 1877 ‘On the Supply of Water to Campbell Town’ by J. W.



council had argued about providing drainage for the town of Triabunna in 1864, but it was deemed beyond the financial means of the municipality.<sup>204</sup> In 1870, the Longford municipal council discussed a plan for the comprehensive scheme of drainage for the town of Longford put forward by councillor H. B. Nicholls.<sup>205</sup> It was rejected on the grounds that it was a town amenity that could not be justly paid for by the rural ratepayers of the municipality.<sup>206</sup> In 1874 councillor Andrew Blackwood put to the Sorell council that a man be employed to report on a 'thorough system' of drainage for Sorell.<sup>207</sup> The proposal was met with a cool response from the rest of the council. One member, Edward Marshall remarked that 'he could see no useful end to be gained by discussing the matter...his time was precious and he did not want it fritted away in discussing a motion containing nothing'.<sup>208</sup>

There were some exceptions. After an outbreak of severe illness in 1876 the Bothwell municipal council commissioned a report into the sanitary condition of the municipality.<sup>209</sup> It found that many of the water closets were 'in a filthy state', and other cess-pools and drains around Bothwell were completely inadequate. The council moved swiftly to rectify the problems.<sup>210</sup> In the Clarence and Campbell Town municipalities, the councils created health committees to improve drains and make regular inspections of cesspools.<sup>211</sup>

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<sup>204</sup> AOT, Spring Bay Municipal Council: Minutes 1860-1889 (Ref: AE 267/1/1) 11 December 1863, 13 January 1864.

<sup>205</sup> AOT, Longford Municipal Council: Minutes 1862-1872 (Ref: MCC 22/5/1/1) 6 January 1870.

<sup>206</sup> *Examiner*, 8 January 1870.

<sup>207</sup> *Mercury*, 23 January 1874.

<sup>208</sup> *Mercury*, 2 February 1874.

<sup>209</sup> AOT, Bothwell Municipal Council: Minutes 1863-1904 (Ref: MCC 2/9/1/1) 14 October 1876.

<sup>210</sup> *Mercury*, 20 October 1876.

<sup>211</sup> [Clarence] *Mercury*, 31 January 1876, 29 December 1876; [Campbell Town] *Mercury*, 16 October 1877.

In the late 1870s and early 1880s the government viewed with alarm increasing instances of epidemics of diseases such as Diphtheria, Typhoid and Scarlet Fever occurring in rural areas.<sup>212</sup> In 1877 a local correspondent for the *Mercury* remarked that travellers ‘in passing through Oatlands at intervals during the last few months, must have formed very sombre and melancholy ideas of the place, by seeing the shop windows so frequently partially closed (which is commonly done as a mark of respect for the dead), for no sooner have they been taken down for one than they have to be put up for another, so numerous and frequent have the deaths been here of late’.<sup>213</sup> Following a serious outbreak of diphtheria in Sorell, a report by Dr. E. S. Hall into the sanitary condition of the municipality found a ‘horrid privy cesspit system almost universal’, as well as the town’s water supply comprising of ‘a stagnant waterhole wholly unprotected from various sources of pollution’.<sup>214</sup> In 1875 the Kennerley Government had tried to impress upon the rural municipalities the ‘advisability of taking all necessary sanitary precautions’ given to them by the *Police Act* related to the health and improvement of towns.<sup>215</sup> This directive had mostly been ignored, and so the Douglas ministry in 1885 passed a new bill for the improvement of public health in rural Tasmania.

Similar to the *Education Act* passed in the same year, the *Public Health Act* 1885 created a central board of health to oversee and supervise the work of a network of local bodies. These new bodies were called Local Boards of Health, and the Act stipulated that ‘every rural municipality’ was to become *ex officio* a Local Board of Health. The boards

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<sup>212</sup> Townsley, *Tasmanian: from colony to Statehood*, p. 147 for example typhoid outbreak at Cressy *Examiner*, 8 December 1883, 8 February 1884, 12 March 1884 ‘The Sanitary State of Cressy’ by J. G. Bushman.

<sup>213</sup> *Mercury*, 6 July 1877.

<sup>214</sup> *Mercury*, 12 March 1878.

<sup>215</sup> *Mercury*, 2 August 1875.

were to appoint a legally qualified medical practitioner to act as an officer of health for the municipality, whose job would be rigorously to enforce the sanitary provisions of the Act. The boards were also empowered to pass by-laws regarding slaughter-houses, milk production, water supply, as well as ‘generally for the abatement and prevention of nuisances not hereinbefore specified, and for securing the healthfulness of the district and of its inhabitants’.<sup>216</sup>

The rural municipalities initially greeted their new responsibilities with dismay.<sup>217</sup> The Longford municipal council passed unanimously a resolution calling the new Act ‘cumbersome and unwieldy, and the greater portion, although suitable for towns, is quite unfit for a rural population’.<sup>218</sup> The Bothwell council thought the Act ‘unworkable for rural municipalities’.<sup>219</sup> Similar sentiments were expressed by the Glamorgan,<sup>220</sup> Oatlands,<sup>221</sup> Evandale,<sup>222</sup> and Westbury<sup>223</sup> municipal councils. However, the Act did stimulate some action. Longford, Brighton and Westbury commissioned reports into the sanitary condition of their municipalities,<sup>224</sup> drainage work was carried out,<sup>225</sup> slaughter-houses were closed down and moved to the outskirts of towns,<sup>226</sup> and Health Officers

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<sup>216</sup> *Public Health Act* 1885.

<sup>217</sup> See ‘Central Board of Health: report for 1886’, *JPPP(Tas.)*, 1887, paper no. 78 Appendix A.

<sup>218</sup> *Examiner*, 7 May 1886.

<sup>219</sup> Warden of Bothwell Municipality to Chief Secretary, 28 September 1886, *AOT*, Bothwell Municipal Council: Letterbook of Warden 1863-1896 (Ref: MCC 2/25/1)

<sup>220</sup> *Mercury*, 19 October 1885.

<sup>221</sup> *Mercury*, 5 October 1885.

<sup>222</sup> *Examiner*, 8 March 1887.

<sup>223</sup> *DT*, 14 January 1887.

<sup>224</sup> see ‘Report on the Sanitary Condition of Rural Municipality of Longford by Alfred Mault’ and ‘Report by Alfred Mault on the Sanitary Condition of the Rural Municipality of Brighton’, in ‘Central Board of Health: report for 1886’, *JPPP(Tas.)*, 1887, paper no. 78; [Westbury] *Examiner*, 3 November 1893, *DT* 19 January 1894, 2 February 1894, 6 February 1894.

<sup>225</sup> [New Norfolk] *Mercury*, 23 February 1889, 14 March 1889, 21 September 1889; [Fingal] *Mercury*, 14 June 1889; [Spring Bay] *Mercury* 31 October 1887; [Longford] *Examiner* 3 September 1897; *AOT*, Hamilton Municipal Council: Minutes 1888-1909 (Ref: MCC 15/9/1/2) 6 November 1894.

<sup>226</sup> *AOT*, Deloraine Municipal Council: minutes 1889-1895 (Ref: MCC 42/3/5) 4 March 1895, 6 May 1895; [Longford] *Examiner*, 8 April 1887; [Evandale] *Examiner* 8 July 1890; [Fingal] *Mercury*, 22 July 1886; [Campbell Town] *Mercury*, 5 June 1896, 2 October 1896.

were appointed (although there was often delays until suitable candidates could be found).<sup>227</sup>

Essential to preventing disease and improving the general well-being of residents was a pure supply of fresh water. Three councils had been petitioned by residents during the 1870s to substantially improve the local supply of water to the towns of Clarence, Longford and Campbell Town.<sup>228</sup> Opposition to the proposals came from rural ratepayers and councillors, who argued that they would only benefit those who lived in the towns, and so the cost of the works should be borne by town-folk.<sup>229</sup> While municipal councils were able to raise a loan and levy a special rate over the *whole* of the municipality for its repayment, they were unable to raise a loan and levy a rate in one specific *part* of the municipality.<sup>230</sup> Therefore, unable solely to levy rates from residents within the townships, the schemes for improved water-supply remained in abeyance in Clarence and Longford.<sup>231</sup>

The residents of Campbell Town, however, were more resourceful. They petitioned parliament for a local bill to improve their local water supply from the Elizabeth River.<sup>232</sup> The subsequent Act created a water district in the municipality, comprising those properties most likely to benefit from the prospective works. Landholders from this district would then elect a local water trust, consisting of five members, whose task would be to draw up specifications, borrow money, supervise the construction of works,

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<sup>227</sup> [Bothwell] *Mercury*, 10 September 1902; [Fingal] *Mercury*, 13 January 1899; AOT, Campbell Town Municipal Council: Minutes 1866-1902 (Ref: MCC 6/14/1/1) 8 February 1866.

<sup>228</sup> [Clarence] *Mercury*, 25 April 1879; [Longford] *Examiner*, 8 January 1878; [Campbell Town] *Mercury*, 5 April 1871.

<sup>229</sup> [Clarence] *Mercury*, 13 June 1879; [Longford] *Examiner*, 8 March 1878; [Campbell Town] *Mercury*, 23 January 1874.

<sup>230</sup> *Examiner*, 4 May 1878.

<sup>231</sup> [Clarence] *Mercury*, 11 July 1879; [Longford] *Examiner* 4 May 1878.

<sup>232</sup> *Mercury*, 23 January 1874.

levy water rates and make by-laws.<sup>233</sup> Work on the new waterworks began in early 1879.<sup>234</sup>

This would become the example for other rural municipalities to follow. Typically, residents would petition their local council for an improved water supply, the council would hold a public meeting where proposals would be discussed and majority support for one scheme sought, the council would then consider the proposal and upon approval petition parliament for a local Act. Following this course of action, water trusts were established during the 1890s in Glenorchy,<sup>235</sup> Longford,<sup>236</sup> Evandale,<sup>237</sup> Ross,<sup>238</sup> Bothwell and Hamilton,<sup>239</sup> Oatlands,<sup>240</sup> Westbury,<sup>241</sup> in 1902 at Deloraine,<sup>242</sup> and 1903 in Glamorgan.<sup>243</sup> In the case of Ross, Bothwell, Hamilton, Westbury and Deloraine the council was appointed by the Act to act as the trustees of the water district. In Glenorchy and Evandale separate trustees were elected by landholders. At Longford, the council was appointed the trustees of the water district at the onset of construction in 1890, but

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<sup>233</sup> *Campbell Town Water Act* 1878.

<sup>234</sup> *Mercury*, 13 February 1879.

<sup>235</sup> *Mercury*, 6 July 1888, 5 October 1888, 5 July 1889, 18 October 1889, 17 January 1890, 22 February 1890, *Glenorchy Water Act* 1890; *AOT*, Glenorchy Water Trust: Minutes 1890-1906 (Ref: LA 19/17/2-3).

<sup>236</sup> *Examiner*, 7 February 1890; *Longford Water Act* 1890; *AOT*, Longford Water Trust: Minutes 1894-1916 (Ref: LA 39/10/1).

<sup>237</sup> *Examiner*, 7 February 1893, 7 March 1893, 2 May 1893, 6 June 1893, 8 February 1894; *Evandale Water Act* 1894.

<sup>238</sup> *Mercury*, 15 September 1894, 12 October 1894, 20 November 1894, 18 January 1895, 10 September 1896; *Ross Water Act* 1890; *AOT*, Ross Water Trust: Minutes 1906-1921 (Ref: LA 41/1/1).

<sup>239</sup> *Clyde Water Act* 1898; see also 'Clyde Water Trust' in *AOT*, Public Works Department: Correspondence and Associated Papers relating to Water Trusts (Ref: PWD 74/1/1); *ibid.*, River Clyde Trust: Minutes 1903-1923 (Ref: LA 9/2/2/1).

<sup>240</sup> *Midland Water Act* 1898; see also 'Midland Water Trust' in *AOT*, Public Works Department: Correspondence and Associated Papers relating to Water Trusts (Ref: PWD 74/1/1).

<sup>241</sup> *DT*, 8 December 1894, 7 June 1895, 6 August 1895, 7 August 1895; *Westbury and Hagley Water Act* 1898; *AOT*, Westbury Municipal Council: minutes 1898-1907 (Ref: AB 724/1/3) 3 November 1898, 1 December 1898, 12 January 1899, 2 February 1899, 2 March 1899, 6 April 1899, 4 May 1899, 22 May 1899, 3 July 1899.

<sup>242</sup> *AOT*, Deloraine Municipal Council: minutes 1889-1905 (Ref: MCC 42/3/5) 1 July 1895, 5 August 1895; *Examiner* 11 January 1898, 8 August 1899, 3 April 1901, 2 September 1902; *Deloraine Water Act* 1902.

<sup>243</sup> *Swansea Water Act* 1903; see also 'Swansea Water Trust' in *AOT*, Public Works Department: Correspondence and Associated Papers relating to Water Trusts (Ref: PWD 74/1/2); *ibid.*, Swansea Water Trust: Minutes 1905-1924 (Ref: LA 17/9).

after some mismanagement and disputes with landowners, a separate trust was elected from 1898.<sup>244</sup>

With some progress made in the provision of fresh water, little headway was made by the rural municipalities in the disposal of night-soil. Evandale and Glenorchy were the exception, the latter introducing a pan system of waste-removal in the late 1880s.<sup>245</sup> Cess-pools were still the norm in many municipalities. A Department of Health report in 1904 noted that 'no attempt is made outside the largest centres to deal rationally or effectively with infectious diseases, and grossly insanitary conditions are often allowed to persist unheeded'.<sup>246</sup> The report concluded with the statement that 'no serious attempt is made by rural local authorities possessing rating powers to fulfil their duties under the Act'.<sup>247</sup> To rectify this, the Propsting government passed a new Public Health Bill in 1904, compelling local authorities to carry out the 'removal of refuse as well as cleansing work', along with the better management of drains and sewers.<sup>248</sup>

This provoked some action, the Longford and Deloraine councils looking into providing a double-pan system of waste removal in 1906,<sup>249</sup> but little concrete work was subsequently carried out. J. S. C. Elkington, brought in by the Propsting government to head the re-organized Department of Health, was scathing of the negligence of the rural municipalities. In his annual report to parliament in 1906 he wrote:

Few large towns in country districts...can be congratulated on any pronounced attention to sanitation. The general tendency appears to be to wait until an outbreak of disease necessitates recourse to drastic and expensive remedies, rather than to save illness, death, worry and expense by systematic and continuous gentle sanitary action.... An officer of health, who insists on telling the average local authority the truth as

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<sup>244</sup> *Longford Water Act Amendment* 1898.

<sup>245</sup> *Mercury*, 29 November 1887, 2 December 1887, 6 April 1888, 8 June 1888.

<sup>246</sup> 'Department of Public Health: report 1904', *JPPP(Tas.)*, 1905, paper no. 26 p. 5.

<sup>247</sup> *ibid.*

<sup>248</sup> *Public Health Act* 1904.

<sup>249</sup> *Examiner*, 13 January 1906, 12 May 1906, 9 July 1906, 6 March 1906.

to the present and probable results of their sanitary apathy and negligence is apt to be branded as an alarmist, and accused of a desire to damage the reputation of the district'.<sup>250</sup>

Although the municipal councils had a mixed record when it came to enforcing the provisions of the *Education* and *Public Health* Acts, the central government was at least successful in encouraging councils to embrace a broader role in their communities than just managing the local police force. Another important factor in bringing about this shift in focus from law and order to carrying out public works to improve the comfort and well-being of local residents, was the appearance in the late 1880s and 1890s of progress and improvement associations. These associations were usually formed by middle-class men who generally relied on an economically prosperous town or district to sustain their own livelihoods, such as small shopkeepers, local merchants and produce agents, and skilled tradesmen such as carpenters and blacksmiths. There were also quite often ministers of religion, schoolteachers, medical practitioners, politicians and journalists. Unabashedly parochial in their endeavour, progress and improvement associations can be seen as a local sort of “boosterism” designed to lift local confidence and create economic activity.

Associations were soon formed in many of the rural municipalities. There was the Deloraine Improvement Association,<sup>251</sup> Otlands Improvement Association,<sup>252</sup> Campbell Town and Suburbs Improvement Association,<sup>253</sup> Longford Improvement Association,<sup>254</sup>

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<sup>250</sup> ‘Department of Public Health: report 1906’, *JPPP(Tas.)*, 1907, paper no. 29 p. 5.

<sup>251</sup> *Examiner*, 10 October 1894, 19 November 1894, 9 February 1895, 25 April 1896, 1 July 1896, 14 August 1896, 2 September 1896, 19 October 1896; 30 January 1897, 24 August 1897, 14 December 1897, 24 January 1898, 14 February 1898, 30 May 1899, 29 June 1899, 11 January 1900, 29 January 1900, 18 October 1900.

<sup>252</sup> *DT*, 10 September 1904; *Mercury*, 1 March 1906.

<sup>253</sup> *Examiner*, 27 February 1896, 28 February 1896, 2 May 1896; *DT*, 27 February 1896, 28 February 1896, 23 March 1896, 9 April 1896, 5 May 1896, 4 June 1896.

<sup>254</sup> *DT*, 28 September 1899, 20 September 1900, 6 May 1901, 7 May 1901, 13 August 1901.

and South Glenorchy Progress Association.<sup>255</sup> There was the St Marys Improvement Association<sup>256</sup> and Avoca Improvement Association in the Fingal municipality,<sup>257</sup> the Cressy Improvement Association<sup>258</sup> and Perth Improvement Association in the Longford municipality,<sup>259</sup> and the Swansea Improvement Committee in the Glamorgan municipality.<sup>260</sup> For some of these associations the objective was to encourage more tourists to visit and stay in their area, while for others their purpose was to push for amenities to make their locality an attractive and pleasant place to reside.

Progress and Improvement Associations therefore came to exercise significant influence in municipal affairs, petitioning their local council for a variety of improvements — the construction of footpaths,<sup>261</sup> better mail, train and telephone services (duly passed on by the councils to the government),<sup>262</sup> rubbish dumps,<sup>263</sup> the planting of trees,<sup>264</sup> the construction of recreation grounds and municipal reserves.<sup>265</sup> One amenity deemed necessary was a local library or reading room. Speaking on the subject to the Longford municipal council in 1900, councillor Joesph McMahon was ‘firmly convinced that the taste for reading should as far as possible be encouraged, inasmuch as it tends undoubtedly to the promotion of refinement and good order among

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<sup>255</sup> *Mercury*, 4 March 1892.

<sup>256</sup> *Mercury*, 12 September 1892.

<sup>257</sup> *Mercury*, 10 April 1901.

<sup>258</sup> *Examiner*, 10 November 1902; 24 July 1903, 10 February 1906, 1 August 1906.

<sup>259</sup> *Examiner*, 13 January 1906.

<sup>260</sup> *Mercury*, 11 August 1903, 7 August 1905.

<sup>261</sup> *Mercury*, 10 April 1901.

<sup>262</sup> see [New Norfolk] *Mercury* 20 July 1888, 20 August 1888; [Spring Bay] *Mercury*, 7 October 1884, 2 September 1885, 22 September 1885, 26 November 1888, 20 October 1894.

<sup>263</sup> [Bothwell] *Mercury*, 7 November 1899, 13 December 1899.

<sup>264</sup> *AOT*, Deloraine Municipal Council: minutes 1889-1905 (Ref: MCC 42/3/5) 1 July 1891, 3 August 1891 *Examiner* 8 June 1897.

<sup>265</sup> [Longford] *Examiner*, 6 November 1885, 8 August 1891, 4 September 1891, 19 June 1900, 8 October 1900; *AOT*, Westbury Municipal Council: minutes 1898-1907 (Ref: AB 724/1/3) 12 January 1899, 2 March 1899, 19 June 1899.



1907, although there were complaints at times from the Richmond,<sup>52</sup> Bothwell,<sup>53</sup> and Deloraine,<sup>54</sup> councils that their local road trust was not spending enough to keep the streets in good condition. But only two municipalities thought it necessary to take back control of the maintenance of municipal streets — Westbury briefly between 1868 and 1871,<sup>55</sup> and New Norfolk from around 1900.<sup>56</sup>

Rather than being carried out by the rural municipalities, public works during the 1860s and 1870s were the responsibility of other local bodies — Boards of Works and trusts created under the *Local Public Works Act* 1867. The former originated from a resolution passed by the House of Assembly in September 1860, placing £12,000 ‘to be appropriated to roads and bridges’ in the hands of a six-member Board of Works comprising of the Colonial Treasurer, Surveyor-General, Director of Public Works, Deputy-Commissioner of Crown Lands and two other representatives.<sup>57</sup> Looking to open up large tracts of vacant Crown land for settlement, the board duly apportioned the funds available (£8,000 for the North, £4,000 for the South), and in April 1861 the existing Board was split into two (Northern and Southern Board of Works) to supervise the construction of the roads.<sup>58</sup> However, they seem to have been hampered in carrying out the work and received considerable criticism.<sup>59</sup> The Southern Board of Works itself

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<sup>52</sup> AOT, Richmond Municipal Council: minutes 1861-1890 (Ref: AC 109/1/1) 15 August 1878, 8 October 1878.

<sup>53</sup> *Mercury*, 31 August 1886.

<sup>54</sup> AOT, Deloraine Municipal Council: minutes 1876-1889 (Ref: MCC 42/3/4) 2 February 1880, 5 July 1880.

<sup>55</sup> CC, 5 January 1867, 8 June 1867, 29 April 1868, 10 March 1871.

<sup>56</sup> *Mercury*, 12 November 1898, 16 January 1899, 1 March 1899, 15 July 1902.

<sup>57</sup> ‘Public Works: articles in Cornwall Chronicle’, *Legislative Councils Papers*, 1864, paper no. 55 p. 4.

<sup>58</sup> *ibid.*, pp. 4-5; *Mercury*, 17 November 1860, 22 November 1860, 1 December 1860, 3 December 1860.

<sup>59</sup> ‘Public Works: articles in Cornwall Chronicle’, *Legislative Councils Papers*, 1864, paper no. 55 p. 6.

admitted that ‘the business of opening communications to the waste lands of the South side of the island is necessarily slow and tedious’.<sup>60</sup>

In 1863 the *Waste Lands Act*, passed in 1858 to encourage land settlement in the colony and prevent the exodus of young men to the gold-rushes on the mainland, was consolidated. Section 86 of the new Act stated that from 1 January 1864 one-fourth of all money paid into the Land Fund by virtue of the purchase or rent of Crown Lands was to set apart ‘for the construction of roads, bridges, tramways, jetties, and wharves’.<sup>61</sup> Instead of vesting this money in the previous Northern and Southern Board of Works, in January 1865 the Whyte government announced a more decentralized method of distributing the funds. In every municipality and police district around the colony a three person local honorary board of works would be appointed by the government. These boards would be allocated a certain sum each year from the Land Fund, and would recommend to the government ‘the best manner of expending the same as to serve for each district an increase of the facilities of communication between townships, or between townships and the sea or some navigable river, or with the main road’.<sup>62</sup> The government reserved the right to refuse the recommendations of the local board of works if it saw fit.

The government quickly proclaimed eight new boards in April 1865,<sup>63</sup> fifteen more in

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<sup>60</sup> See also ‘Roads and Tracks to the Waste Lands of the Colony’, *Tasmanian House of Assembly Journals*, 1861, paper no. 158 p. 3.

<sup>61</sup> *Waste Lands Act* 1863.

<sup>62</sup> *HTG*, 24 January 1865 notice no. 18.

<sup>63</sup> *HTG*, 4 April 1865, Hamilton, Bothwell, Spring Bay, Glamorgan, Fingal, Longford, Westbury and Campbell Town.

May,<sup>64</sup> and one more in June.<sup>65</sup> In May 1866 five more were created,<sup>66</sup> and two each in July and August.<sup>67</sup> Finally, three more were proclaimed in April 1869,<sup>68</sup> bringing the total number to thirty-six. The role of the boards was fairly straightforward. Members would determine what works were required for the district, often by their own volition, although occasionally petitions from residents or suggestions from the Public Works Department were considered.<sup>69</sup> The board would then seek government approval, call and organize tenders, supervise the work carried out by contractors, and then pay the account upon completion if it was to the board's satisfaction.<sup>70</sup>

Almost all of the money expended by the boards went on road construction and bridge repair. Between 1866 and 1871, there was approximately £42,000 available to the boards from the Land Fund, of which £32,812 was spent.<sup>71</sup> Because the boards only got one-fourth of the proceeds from the sale of land in their own district, there was considerable disparity of funds available between them. Consequently, the Hamilton, Oatlands, Bothwell, West Mersey, Fingal and Selby boards were flush with funds, while the long-settled districts such as Ross, Brighton, Richmond and Longford, as well as urban areas such as Glenorchy and New Town, along with the heavily forested areas of the Far South, received little money.

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<sup>64</sup> *HTG*, 2 May 1865, New Norfolk, Brighton, Green Ponds, Oatlands, Sorell, Richmond, George Town, Ross, Glenorchy, Deloraine, Franklin, Morven, Port Sorell, Horton, South Longford.

<sup>65</sup> *HTG*, 27 June 1865, Launceston.

<sup>66</sup> *HTG*, 1 May 1866, 15 May 1866, New Town, Port Cygnet, Port Esperance, East Mersey, West Mersey.

<sup>67</sup> *HTG*, 10 July 1866 Kingsborough, Oyster Bay, Three Hut Point, North Bruni; *HTG*, 7 August 1866 East Emu Bay, West Emu Bay.

<sup>68</sup> *HTG*, 27 April 1869, Clarence, North West Bay, Selby.

<sup>69</sup> See *AOT*, Oatlands Board of Works: Minutes 1863-1874 (Ref: LA 51/8); Hamilton Board of Works: Minutes 1865-1878 (Ref: LA 25/19); Glamorgan Board of Works: Minutes 1865-1873 (Ref: LA 17/11).

<sup>70</sup> For more on Oatlands Board of Works see *Mercury*, 7 February 1871, 7 March 1871, 4 April 1871, 9 May 1871, 6 June 1871, 4 July 1871, 8 August 1871, 5 September 1871, 11 October 1871, 7 November 1871, 5 December 1871, 9 January 1872, 6 February 1872, 6 March 1872, 9 April 1872, 7 May 1872, 3 June 1872, 9 July 1872, 6 August 1872, 11 September 1872, 7 January 1873, 5 March 1873, 8 April 1873, 6 May 1873, 12 June 1873, 8 July 1873, 5 August 1873, 4 November 1873, 10 March 1874.

<sup>71</sup> See 'Board of Works' in *Statistics of Tasmania*, 1867-1872.

This inequality, along with lack of accountability from appointed members, soon provoked criticism of the boards.<sup>72</sup> A correspondent to the *Mercury* in 1869 wrote that ‘the grand object of the scheme has been partially lost sight of, if not altogether ignored, in many parts of the island’.<sup>73</sup> This was because, the writer alleged, money meant to open up new land in the rural interior had instead been spent by board members on maintaining existing roads in long-settled areas. The failure of the board of works therefore called into question ‘the policy of delegating to irresponsible bodies the power of dealing with public funds, without some more effectual check or security against injudicious expenditure than exists at present. Instances of wasteful and unnecessary outlay will occur to many of your country readers’.<sup>74</sup>

These concerns were raised in House of Assembly in 1870, during a debate on a new Waste Lands bill. John Davies, member for Devon, spoke of the pernicious results that stemmed from having nominee board members allocating public money, and stated that ‘the funds at the disposal of the boards had been appropriated in an objectionable manner’.<sup>75</sup> Adye Douglas, member for Westbury, agreed, adding that ‘the intentions of the framers of the bill had not been carried out by the various Boards in the colony’.<sup>76</sup> By the early 1870s with the Land Fund virtually exhausted and with rising debts,<sup>77</sup> the Wilson government sought to alter the method of constructing and financing local public works in the colony. This effectively meant the end of the board of works system. After 1871 no new money was available to the boards from the Land Fund, and so works had to

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<sup>72</sup> See *Mercury*, 4 July 1865 ‘The Fancy Board of Works’ by A Ratepayer; 22 November 1875 ‘The Public Works Scheme’ by G. A.; 9 January 1872 ‘How Road Funds Are Managed’ by W. Langdon.

<sup>73</sup> *Mercury*, 12 May 1869 ‘The Land Fund and Board of Works’ by Observer.

<sup>74</sup> *ibid.*

<sup>75</sup> *Mercury*, 28 September 1870.

<sup>76</sup> *ibid.*

<sup>77</sup> *Mercury*, 7 January 1871, 9 January 1871.

be carried out of existing money. Between 1872 and 1875 the boards spent £8252 on public works, but from 1875 had no money left for meaningful works.<sup>78</sup> After a few years of inactivity, the boards seem to have been informally abolished in the early 1880s.

The change in direction had begun in 1867 when the Dry ministry introduced a new bill into parliament. Treasurer T. D. Chapman told the House of Assembly that the government could no longer solely finance local public works and that it was time for residents to pay their 'fair share'.<sup>79</sup> The government hoped that in the future two-thirds of the cost of public works would be borne by residents, and the other third by the government.<sup>80</sup> The plan was for those interested in a local improvement to come together as promoters of the work, seek the approval of their broader community for the proposal, and then obtain a loan and strike an annual levy for its completion. As the Premier Richard Dry told the Legislative Council, direct financial responsibility for any local public works 'would be the best guarantee for its necessity and utility, and that the work would be economically carried out'.<sup>81</sup> The bill was received favourably by parliament, the member for Hobart, C. S. Cansdell, seeing it as 'calculated to teach the people of this country to become self-reliant'.<sup>82</sup> The only disagreement arose over whether railways should be included in the bill. Some members saw them as works to the benefit of the whole colony and therefore the responsibility of the government, and feared that the spread of railways would be impeded if residents had to bear the majority burden of the cost.<sup>83</sup> But the bill was soon passed, and became the *Local Public Works Act 1867*.

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<sup>78</sup> 'Board of Works' in *Statistics of Tasmania*, 1872-1876.

<sup>79</sup> *Mercury*, 5 September 1867.

<sup>80</sup> *Mercury*, 13 September 1867.

<sup>81</sup> *ibid.*

<sup>82</sup> *Mercury*, 5 September 1867.

<sup>83</sup> *ibid.*

The Act allowed a majority of owners or occupiers of property in any district desirous of constructing railways, bridges, irrigation and drainage works, jetties, break-waters and works for the supply of water to towns to petition the government asking to come under the provisions of the Act. Plans of the proposed work, along with an estimated cost, had to be submitted to the government, with no proposed work to cost more than £50,000. A maximum rate of 1s 6d in the pound was included in the legislation, so the government had to be assured that the district could repay six per cent per annum of a loan without exerting too much hardship on the residents. Once the proposed work had government approval, and a loan had been raised, the district would then elect five persons (promoters) to oversee construction, based on a plurality of votes under the *Cross and Bye Road Act*.<sup>84</sup>

Despite the hopes of the government that it would encourage considerable local works, the Act was met with a lukewarm response by the colonists. By 1870 no district had petitioned the government to adopt the provisions of the Act. The *Mercury* observed the primary objection to it was that it imposed 'on the district a great risk which those undertaking the construction of a public work are never likely to contemplate'.<sup>85</sup> To reduce this risk, the Wilson government in late 1870 amended the Act to alter the terms of repayment from six per cent per annum to three per cent per annum.<sup>86</sup> This stimulated action, and in 1871 the residents of Emu Bay (jetty),<sup>87</sup> the Huon (bridge over Huon

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<sup>84</sup> £15 – £49 1 vote; £50 – £99 2 votes; £100 – £149 3 votes; £150 – £199 4 votes; £200 – £249 5 votes; £250 – £299 6 votes; £300 – £349 7 votes; £350 – £399 8 votes; £400 – £449 9 votes; £450 + 10 votes.

<sup>85</sup> *Mercury*, 26 October 1871.

<sup>86</sup> *Local Public Works Act Amendment* 1870.

<sup>87</sup> *HTG*, 24 January 1871, 14 March 1871.

River),<sup>88</sup> Glamorgan and Spring Bay (bridge of Little Swanport River),<sup>89</sup> and Penguin (breakwater)<sup>90</sup> had come under the Act.<sup>91</sup>

Buoyed by this activity, the government consolidated the legislation in 1872,<sup>92</sup> and soon after the residents of Sorell (jetty)<sup>93</sup> and Westbury (bridge at Entally) came under the Act.<sup>94</sup> In 1873 the new Innes ministry passed a further amendment, requiring only ten landholders (rather than a majority) in a district to petition the government requesting to undertake works.<sup>95</sup> This encouraged more activity, and between 1873 and 1877 twelve districts — Latrobe (Mersey bridge),<sup>96</sup> Don (breakwater),<sup>97</sup> Deloraine (Meander bridge),<sup>98</sup> Table Cape (breakwater),<sup>99</sup> Horton (Black river bridge),<sup>100</sup> Carrick (Hadspen bridge),<sup>101</sup> New Norfolk (bridge),<sup>102</sup> Campbell Town (water supply),<sup>103</sup> Upper Derwent (Plenty bridge),<sup>104</sup> Westwood (Meander bridge),<sup>105</sup> Hamilton (bridge),<sup>106</sup> Spring Bay

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<sup>88</sup> HTG, 4 June 1871, 20 June 1871, 30 December 1871, 3 February 1874.

<sup>89</sup> HTG, 8 August 1871, 26 September 1871; AOT, Little Swanport Bridge Promoters: Letterbook 1872-1877 (Ref: AB 871/1/1).

<sup>90</sup> HTG, 31 January 1871, 14 March 1871.

<sup>91</sup> See 'Public Works under Local Public Works Acts: return showing works under', *Tasmanian House of Assembly Journals*, 1872, paper no. 20.

<sup>92</sup> *Local Public Works Construction Act* 1872.

<sup>93</sup> HTG, 30 July 1872, 17 September 1872, 10 December 1872, 7 January 1873.

<sup>94</sup> HTG, 30 July 1872, 4 March 1873, 1 April 1873, 10 February 1874, 24 April 1874, 14 April 1874, 5 January 1875, 13 April 1875, 4 April 1876, 2 May 1876.

<sup>95</sup> *Local Public Works Amendment Act* 1873.

<sup>96</sup> HTG, 15 July 1873, 17 February 1874, 17 March 1874, 6 April 1875, 20 April 1875, 13 February 1875, 24 April 1877.

<sup>97</sup> HTG, 7 January 1873, 4 February 1873, 4 August 1873, 24 November 1874, 12 January 1875, 29 June 1875, 6 February 1877, 8 May 1877.

<sup>98</sup> HTG, 22 September 1873, 16 December 1873, 26 May 1874, 14 July 1874, 9 June 1874, 16 June 1874.

<sup>99</sup> HTG, 14 July 1874, 4 August 1874, 6 July 1875, 3 August 1875, 25 July 1876.

<sup>100</sup> HTG, 28 July 1874, 18 August 1874, 3 November 1874, 5 January 1875, 10 April 1877.

<sup>101</sup> HTG, 20 January 1874, 31 March 1874.

<sup>102</sup> HTG, 3 March 1874, 24 March 1874, 31 March 1874, 28 April 1874, 8 June 1875, 15 February 1876, 1 August 1876.

<sup>103</sup> HTG, 1 June 1875, 29 June 1875.

<sup>104</sup> HTG, 4 April 1876, 11 July 1876, 11 September 1877, 27 February 1877; AOT, Plenty Bridge Promoters: Correspondence 1876-1877 (Ref: LA 86/1).

<sup>105</sup> HTG, 4 April 1876, 2 May 1876, 6 June 1876, 10 October 1876, 11 July 1876, 18 December 1877, 24 April 1877, 8 May 1877, 23 January 1878.

<sup>106</sup> HTG, 4 April 1876 25 April 1876, 30 May 1876, 4 July 1876, 15 August 1876, 18 December 1877.

(bridge and jetty),<sup>107</sup> — were constructing various local works.

While the majority of these works were completed reasonably quickly, and within budget, progress was not so smooth for some projects. The government had disagreements about plans and specifications with promoters, especially with the construction of bridges, and occasionally had issues with the tenders offered and accepted.<sup>108</sup> Some of the local works — the jetty at Sorell, the bridges at Entally, Meander and New Norfolk as well as the Campbell Town water supply for instance — were either postponed for a considerable time or never begun.<sup>109</sup> The Act was eventually undermined by the laxity of most districts to meet their loan repayments on time, and the steadfast refusal of some districts, where extra money had to be borrowed for additional works, to pay any rates at all.<sup>110</sup> In response, the Giblin government sought to repeal the Act, and transfer financial responsibility for works currently in construction to the government. It succeeded in doing so, despite considerable opposition from parliament, and therefore the *Local Public Works Act* was repealed in 1878.<sup>111</sup>

By the late 1870s local public works were back in the hands of the government. The attempt to foster a more decentralized method of distributing public funds had failed with the system of board of works, and the effort during the 1870s to encourage greater local financial responsibility for local works had resulted in the disappointments of the *Local Public Works Act*. While successive ministries were happy to spend considerable amounts of money on schemes of public works during the 1870s, they faced considerable

<sup>107</sup> HTG, 24 July 1877, 4 September 1877.

<sup>108</sup> See 'Special Public Works: report of Minister of Lands and Works', *Tasmanian House of Assembly Journals*, 1873, paper no. 35 pp. 8-9; *ibid.*, 1874, paper no. 45, p10-12; *ibid.*, 1875, paper no. 43 pp. 9-12.

<sup>109</sup> 'Special Public Works: report of Minister of Lands and Works', *Tasmanian House of Assembly Journals*, 1876, paper no. 109 pp. 12-15; *ibid.*, 1877, paper no. 4 pp. 3-7; *ibid.*, 1878, paper no. 46 pp. 31-32.

<sup>110</sup> *Mercury*, 12 September 1878; 21 September 1878.

<sup>111</sup> *Local Public Works Vesting Act* 1878.



opposition from the Legislative Council, who blocked or trimmed several bills put to them for this purpose.<sup>112</sup> Commenting on his reasons for objecting to the public works scheme proposed by the Kennerley Government in 1875, W. L. Crowther, member for Hobart, believed that

The present measures centralizes to a most dangerous extent and tends in the most direct manner to abnegate all local self-reliance and self-government, and places at the disposal of the Governor-in-Council a power not far inferior to that possessed and exercised by the autocrat in Russia...I ask, in all sincerity, is it right to do away with road trusts, board of works, in fact, local self-reliance in every possible shape, and go back again to the day in which oppression as the result of centralization was rampant through the land?<sup>113</sup>

The Legislative Council instead held firm on the principle of local financial responsibility, and the desirability of decentralization. With the failure of various local bodies created to undertake local public works, the viable alternative left was the municipal councils, the largest local bodies with rating powers in the colony. But for most of the 1870s the councils had almost solely concerned themselves with the management of police, as well as dealing with debts, declining annual values and marked resistance from ratepayers for high rates. As prosperity returned to the colony in the late 1870s and early 1880s, fuelled in part by the mining boom, the financial fortunes of the municipal councils changed. Property values rose, revenues increased and existing debts were cleared.<sup>114</sup> Where the councils at one stage had no money and no inclination for public works, they now at least had the resources for such endeavour. Only the task of getting them to actually engage in public works remained.

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<sup>112</sup> See *Mercury*, 29 September 1875.

<sup>113</sup> *Mercury*, 9 October 1875 'The Public Works Scheme, 1875' by W. L. Crowther.

<sup>114</sup> Between 1877 and 1881 the total annual value for all nineteen rural municipalities rose from £340,687 to £373,575, while total revenue increased from £19,856 to £22,525; *Statistics of Tasmania 1877-1881*.

### *Disillusion and Voting Reform*

The 1870s, especially the first half of that decade, had seen a certain disillusionment set in about rural municipal government in the colony after all the initial enthusiasm and expectations of the early 1860s. The *Mercury* noted in 1870 that

In some districts the municipal system has worked well, while in others a good deal of dissatisfaction has been felt and expressed...we hear of disputes at some of our local boards, having their origin in personal interest, prejudice, or misrepresentation, and we find that instead of councillors pulling one way, and aiming at the public good, there is great difficulty in obtaining substantial benefit from the municipal system.<sup>115</sup>

In 1872 it further recorded that ‘as a rule, local improvements, if they occupy the consideration of the ruling body, do not swallow up any portion, or but a very insignificant one, of the municipal funds’.<sup>116</sup> Correspondence to the paper reiterated this point. One letter stated that ‘after nine years experience you will hardly find a man of ordinary common sense...who would not pronounce municipal action a decided failure. Apart from the working of the police, municipalities in the country...are a farce simply because there is nothing to do’.<sup>117</sup> Another believed that ‘the rural municipalities of Tasmania are, with few exceptions, too limited in area and population to be thrown upon their own resources and entrusted with their separate government’.<sup>118</sup> A correspondent to the *Examiner* further declared that ‘I look upon the municipal system in this colony as a great mistake. The country districts are not ripe for it; in fact, it is a downright curse in small communities. It splits society up into factions — brings men to the front and places

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<sup>115</sup> *Mercury*, 24 November 1870.

<sup>116</sup> *Mercury*, 10 January 1872.

<sup>117</sup> *Mercury*, 30 December 1870 ‘Municipalities and their Effect on the Present and Future of Tasmania’ by ‘Scyth’.

<sup>118</sup> *Mercury*, 7 August 1872 ‘Rural Government’ by Tasmanian.

them in positions they are in no way qualified to fill, and the annual elections bring out envy, hatred, and malice to their fullest extent'.<sup>119</sup>

The main cause of such disillusionment was a series of financial scandals that engulfed several municipal councils in the early 1870s. The first council involved was the Clarence municipal council in 1869.<sup>120</sup> The council created a committee in February of that year in response to a statement made by one of its members, councillor Richard Strachan, that the municipal accounts submitted to the council for approval were 'a tissue of falsehoods from beginning to end'.<sup>121</sup> Strachan alleged that there were 'defalcations' in the accounts to the tune of some £458. The committee found Strachan's allegations were 'frivolous in the extreme' and the council subsequently passed a motion condemning his conduct, saying it 'tends to the detriment and distrust of the whole corporate body, and of the officers associated therewith, and if persisted in and allowed to go unchecked may, by influencing many who hear only a one-sided statement, be fraught with the gravest consequences to, and imperil perhaps, the very existence of this municipality'.<sup>122</sup>

Upset, Strachan lodged a protest to parliament and began to agitate around the community. In early 1870, ratepayers held a public meeting calling for the municipal accounts to be audited by two independent accountants. Around the same time, the council-clerk of the municipality, W. I. Thomas, left the colony for employment in Sydney.<sup>123</sup> The council reluctantly agreed to the audit, which was held in June 1870.

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<sup>119</sup> *Examiner*, 29 March 1873 'Municipal Institutions' by Fennex.; see also *Mercury*, 8 April 1871 'Municipal Wisdom' by A Looker On; 12 August 1872 'Municipal Institutions' by An Ex Policeman.

<sup>120</sup> See *AOT*, Clarence Municipal Council: Letterbook 1860-1901 (Ref: MCC 41/1/1) p. 324, 329-330.

<sup>121</sup> *Mercury*, 29 March 1869.

<sup>122</sup> *Mercury*, 1 November 1869.

<sup>123</sup> *Mercury*, 14 March 1870.

The auditors found that the municipal cash book contained numerous errors, gave no indication of what rates had been paid and by whom, and that on closer inspection outstanding rates came to around £237. Rather than the £74 that had been handed to the treasurer at the end of the financial year, the amount should have been £468, bringing the council out of debt and with a healthy surplus.<sup>124</sup> Considerably embarrassed, the council duly issued a warrant for the arrest of Thomas<sup>125</sup> and issued a formal apology to councillor Strachan.<sup>126</sup>

The affair brought public attention to the keeping and the lack of suitable scrutiny of municipal accounts. In early 1870 the *Mercury* called for the books of all municipalities to be independently audited each year.<sup>127</sup> It was necessary, not just to ensure that public money was being spent appropriately, but to ensure that ‘honest and conscientious men, willing to faithfully discharge their duties, but incapable of exercising the necessary surveillance, or of themselves checking the well manipulated accounts of a clever scoundrel, will be afraid to undertake any public office, lest they become in some way mixed up with, or be held to a certain extent responsible and blamable for, defalcations which they can neither prevent nor check when committed’.<sup>128</sup> In September, the government appointed a select committee to examine the issue. It found that ‘in all the accounts of the municipalities examined there have been either irregularities or defalcations’.<sup>129</sup> It recommended that all municipal books be kept in a universal form and that the government be allowed to appoint an independent auditor to examine

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<sup>124</sup> AOT, Clarence Municipal Council: minutes 1860-1878 (Ref: MCC 41/4/1/1) 25 July 1870.

<sup>125</sup> *Mercury*, 29 August 1870.

<sup>126</sup> *Mercury*, 5 September 1870, 31 October 1870; see also Alexander, *The Eastern Shore*, pp. 59-60.

<sup>127</sup> *Mercury*, 15 March 1870.

<sup>128</sup> *Mercury*, 27 July 1870.

<sup>129</sup> ‘Municipal Accounts: report from select committee’, *Tasmanian House of Assembly Journals*, 1870, paper no. 107 p. 3.

municipal accounts without the council's approval.<sup>130</sup> An amendment to the *Rural Municipalities Act* to this effect was subsequently passed.<sup>131</sup>

The new arrangements did not stop financial irregularities from occurring in other municipalities. In 1871, the Sorell municipal council reported serious errors with their accounts, councillor J. T. Coram alleging that 'the best book-keeper in the world could never make them out'.<sup>132</sup> It required two audits, and a substantial increase in rates, to rectify the problems and restore the financial health of the municipality.<sup>133</sup> In 1873, the Fingal municipal council noticed some small deficiencies in their accounts and, suspecting him of misappropriating the money, fired their council-clerk W. H. Walker.<sup>134</sup> A subsequent investigation by auditors, however, found that due to the municipal cash-book being kept in such poor condition certain monies had been attributed to wrong accounts. An apology was quickly offered to Walker.<sup>135</sup> Ironically, Walker's replacement as council-clerk, one R. N. McComas, would later misappropriate some £200 from the municipal coffers, leaving the council with debts it took nearly a decade to clear.<sup>136</sup> In response to these incidents, and a further experience at Glenorchy,<sup>137</sup> the government in 1875 passed an Act requiring all municipal councils to forward their accounts to the government for audit each year.<sup>138</sup>

As well as financial scandals, criticism was also directed towards the rural municipalities' management of police and dispensation of local justice — two tasks the

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<sup>130</sup> *ibid.*,

<sup>131</sup> *Rural Municipalities Act Amendment* 1870.

<sup>132</sup> *Mercury*, 8 March 1871.

<sup>133</sup> See *Mercury*, 10 April 1871, 2 May 1871, 12 May 1871, 31 May 1871, 31 October 1871, 5 December 1871.

<sup>134</sup> *Examiner*, 15 April 1873.

<sup>135</sup> *CC*, 11 August 1873, 8 September 1873.

<sup>136</sup> *CC*, 10 January 1876.

<sup>137</sup> *Mercury*, 24 May 1874.

<sup>138</sup> *Audit Act no. 2* 1875.

council deemed were central to their existence. The 1870s saw the first proposal by the government to take control of police out of the hands of the municipal councils and into the hands of a central authority (to be dealt with in greater detail in a following chapter).<sup>139</sup> It also saw most councils at one time or another amalgamate the offices of council-clerk and superintendent of police, a move condemned by some councillors and police and as reducing the effectiveness of the force.<sup>140</sup> It was argued that the duties of the two officers were incompatible; the superintendent of police was required regularly to tour the municipality and inspect the work of constables, while the council-clerk had to be ever-present at municipal office.<sup>141</sup> As a consequence, either the management of police or municipal administration would suffer. Others pointed to the detrimental effects the move would have for local justice, with the same person acting as public prosecutor as well as assisting the chief magistrate.<sup>142</sup>

Further criticism of local magistrates appear as well from the late 1860s — the *Mercury* noting in 1867 that ‘it is very desirable that something should be done towards securing the better administration of justice in our rural municipalities...the whole country is up in arms against the administration of justice by the wardens of our rural municipalities’.<sup>143</sup> A letter to the paper in response declared ‘it is beyond dispute that party feelings and local jealousies are too frequently allowed to influence the rural

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<sup>139</sup> See *Examiner*, 23 May 1874, 21 April 1877; ‘Police Centralization: correspondence’, *Tasmanian House of Assembly Journals*, 1877, paper no. 18; S. Petrow, ‘Turbulent Tasmanians: anti-railway rate and sectarian riots and police reform in the 1870s’, *Australian Journal of Legal History*, 3, 1997 pp. 1-24.

<sup>140</sup> *Mercury*, 6 November 1874.

<sup>141</sup> *Mercury*, 8 September 1868.

<sup>142</sup> *Mercury*, 13 January 1868.

<sup>143</sup> *Mercury*, 9 August 1867.

benches, and one has only to offend the powers that be to bring down upon himself insult and petty annoyance'.<sup>144</sup> Another correspondent in 1869 angrily wrote that

The government, one would think, must by this time be duly impressed by a sense of the pernicious folly, to use the least severe expression, of composing so practically irresponsible a tribunal – dealing as it does with the interests and the liberties of the ignorant and the helpless – as the rural bench of justice, of persons whose only qualification perchance may be the ability to cajole an indiscriminating body holding the low municipal franchise. By all means let the representative principle, let liberal, nay, even if it must be, let democratic institutions flourish within their legitimate bounds, but let a conservative power be exercised stringently to preserve, at any rate, the bench of justice from the invasion of popular interference or the influence of electioneering passions.<sup>145</sup>

While the councils for the most part shrugged off such criticism, this disillusionment was for others a catalyst for reform. Particular attention was directed towards the municipal franchise where, due to the prevailing system of plural voting, the *Daily Telegraph* noted in 1883 'family compacts have so long reigned supreme to the exclusion of the people's voice'.<sup>146</sup> Wealthy families with extensive land-holdings in districts were able to exercise their power in three ways — by voting members of their own family onto the municipal council;<sup>147</sup> by throwing their collective weight of votes behind one candidate;<sup>148</sup> or by subdividing land among sons to increase the total number of family votes.<sup>149</sup> Although most municipal elections were contested by a number of candidates, once a man had established his support among the wealthy, or with the most populous part of the district, long stints as a councillor were possible. Winston C. Simmons, for instance, was elected onto the Richmond municipal council in 1866 and sat for over forty

<sup>144</sup> *Mercury*, 14 August 1867 'Municipal Justice' by One of the Victims; see also *ibid.*, 'The Municipalities' by A Ratepayer; 5 December 1871 'Municipal Justice' by Fair Play; 5 March 1874 'Municipal Police' by Viligant.

<sup>145</sup> *Mercury*, 18 December 1869 'The Rural Police Bench' by Common Sense.

<sup>146</sup> *DT*, 31 August 1883.

<sup>147</sup> For instance, prominent families that were frequently represented on the councils included Amos, Lyne and Cotton (Glamorgan); Archer and Lord (Oatlands); Stokell and Ogilvy (Richmond); Shoobridge (New Norfolk); Flexmore and Gorrings (Green Ponds); Rudd (Spring Bay); and Morrisby (Clarence).

<sup>148</sup> See *Mercury*, 21 February 1878 'Glamorgan Municipality' by One Vote; *ibid.*, 7 January 1871 'Campbell Town Election' by A. M. Johnson.

<sup>149</sup> *Mercury*, 9 October 1884.

years, most of them as warden, retiring at the end of 1907. William Gunn (Brighton), Daniel Archer (Campbell Town), Daniel Burke (Westbury), and Thomas Parramore (Ross) were other men who served for more than forty years on their respective councils. Other men such as T. C. H. Marzetti and J. F. Walker (Hamilton), J. W. Allanby and William Henwood (Sorell), Frederick Mace (Spring Bay) and Charles Chipman (Clarence) had over thirty year stints as a councillor in their respective municipalities.

As a rule, rather than promise particular works or services, candidates during the 1860s and 1870s relied on their standing within their community to get themselves on the council, although occasionally some men got elected on a platform of reducing municipal expenditure.<sup>150</sup> The *Mercury* observed in 1880 that ‘in the rural municipalities the choice is generally determined by purely local influence. No question of principle or public interest interferes, and the electors may be said to depend on the position a gentleman holds in the goodwill and respect of his neighbours’.<sup>151</sup> This then tended to produce rather languid contests between candidates, and ratepayers often greeted municipal elections each year with a considerable degree of apathy.<sup>152</sup> Commenting on a recent election at Longford, a correspondent to the *Examiner* in 1876 remarked ‘the great want of interest so apathetically displayed...in the Longford district...goes far to prove there is something wrong, even deterrent to the ratepayers in the exercising the privilege of voting, as well as in the non-performance of duty, by the taking of no action in matters municipal’.<sup>153</sup> The solution was to give the poorer man more voting power, so he could

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<sup>150</sup> See ‘To the Municipal Electors of Fingal’, *Mercury*, 4 December 1871.

<sup>151</sup> *Mercury*, 18 November 1880.

<sup>152</sup> See *Mercury*, 14 December 1868; 9 November 1878; *Tasmanian News* 16 December 1884.

<sup>153</sup> *Examiner*, 15 January 1876 ‘Justice to Ratepayers’ by Longford Municipality.



usurp the ‘fashionable monopolists of power and speech’ that currently dominated municipal affairs, and put in men to promote ‘industry and progress’.<sup>154</sup>

Under the provisions of the *Rural Municipalities Act* 1858, voting in municipal elections had been restricted to males over twenty-one years who owned or occupied a minimum of £15 worth of property. The system of plural voting had also favored the wealthy, the scale being — £15 – £49 1 vote; £50 – £99 2 votes; £100 – £149 3 votes; £150 – £199 4 votes; £200 – £249 5 votes; £250 – £299 6 votes; £300 – £349 7 votes; £350 – £399 8 votes; £400 – £449 9 votes; £450 above 10 votes. Objections to plural voting and the disproportionate scale of voting began immediately. A correspondent to the *Cornwall Chronicle* urged poorer settlers to ‘let your voice be heard, let such a disgrace to the colony no longer exist, let petitions strong and loud run through the land, until the concocters of such diabolical measures shall cringe, and ultimately be crushed beneath the accumulated weight of your displeasure’.<sup>155</sup> A subsequent petition to the Legislative Council from 107 landowners from Port Sorell thought the scheme of plural voting was unjust ‘inasmuch as they deprive the small owners and occupiers of property of one of the dearest rights of British citizens — that of having a voice in the elective institutions of their district — from which they are cut off by the present franchise although they are forced to contribute by direct taxation to those local institutions’.<sup>156</sup>

Further petitions were sent to parliament in the early 1860s. One, from 136 residents of the Hamilton municipality, called for the maximum number of votes to be capped at five and for all owners and occupiers of property worth £10 per annum to be given one

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<sup>154</sup> *ibid.*,

<sup>155</sup> CC, 21 July 1858 ‘Rural Municipalities and Road Districts’ by F.C .S.

<sup>156</sup> ‘Petition from Ratepayers of the Port Sorell District’, *Tasmania Legislative Council Journals*, 1858, paper no. 23 p. 1.

vote.<sup>157</sup> Another, from 84 landholders from Oatlands, called for the same reform, stating that ‘the voting power is given to the large propertied classes to an unequal and injurious extent, inasmuch as, in point of representation, the voters between fifteen and fifty pounds, who have only one vote, are sheer nonentities in a municipality’.<sup>158</sup> An additional petition calling for all “ten pounders” to receive the vote came from the Clarence municipal council as well.<sup>159</sup>

These petitions prompted a slight alteration in the law in 1865, when the Whyte government reduced the minimum property requirement giving only owners, not occupiers, of property worth £10 the vote.<sup>160</sup> Of greater influence was the economic downturn throughout the colony in the late 1860s which, along with *Property Valuation Act* 1868, prompted a reduction of annual values among most of the nineteen rural municipalities of around twenty per cent. Consequently, the Wilson ministry had to revise the scale of voting in 1869. It now gave all property owners of £5 annual value and all occupiers of property worth £10 annual value one vote. The new scale of voting was as follows — £5 – £39 (owner) 1 vote; £10 – £39 (occupier) 1 vote; £40 – £79 2 votes; £80 – £119 3 votes; £120 – £159 4 votes; £160 – £199 5 votes; £200 – £239 6 votes; £240 – £279 7 votes; £280 – £319 8 votes; £320 – £359 9 votes; £360 + 10 votes.<sup>161</sup>

The new arrangement had not long been in place when, following the series of financial scandals that plagued some municipal councils noted earlier in this chapter,

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<sup>157</sup> ‘Votes for Municipal Councillors: petition from inhabitants of Hamilton’, *Tasmania Legislative Council Journals*, 1863, paper no. 38 p. 1.

<sup>158</sup> ‘Petition no. 4: for lowering the municipal electors qualification’, *Tasmanian House of Assembly Journals*, 1864, paper no. 43 p. 3.

<sup>159</sup> ‘Rural Municipalities Bill; Police Bill and Police Regulation Bill: petition from the municipal council of Clarence proposing amendments’, *Tasmania Legislative Council Journals*, 1865, paper no. 29 p. 3.

<sup>160</sup> *Rural Municipalities Act* 1865 sec. 28.

<sup>161</sup> *Rural Municipalities Act Amendment* 1869.

calls came to reduce from ten the maximum number of votes able to be exercised by the wealthy. A letter to the *Cornwall Chronicle* by 'Libertas' in 1873 proclaimed 'Tasmania at this moment presents the pitiable and degrading spectacle of the wealthy few riding roughshod over the many, thus showing that instead of keeping her place in the march of progress, she is retrograding and sinking into oblivion'.<sup>162</sup> Another letter by the same author was more scathing:

In the remote districts of Tasmania where the people live far apart, and the light of the press gleams fitfully, and where such a thing as the expression of public opinion is quite unknown, we behold men railing over their fellows, aye, and wielding in their small way, as despotic sceptres as ever did a Nicholas or an Alexander. Men fitted, neither by education nor ability, for office, and whose only claim to power is that they own so many thousands of acres, and such and such a number of sheep and cattle, and possess the right of recording ten votes each'.<sup>163</sup>

In a similar vein, a letter to the *Examiner* in 1874 believed the existing system was 'rotten, and we are therefore from year to year drifting into a state of municipal serfdom, not politically healthful or convenient to be understood in our rural districts by the intelligent ratepayer'.<sup>164</sup> Further correspondence against plural voting were published by newspapers as well throughout the decade.<sup>165</sup>

Petitions too were regularly sent to parliament objecting to the municipal franchise. In 1872 the House of Assembly received petitions from Campbell Town (127 signatures) and Ross (43 signatures). The latter spoke of how municipal government had been taken up enthusiastically by local residents despite reservations that 'the measure would prove unequal and unjust, inasmuch as the powers conferred on the different classes of ratepayers might enable the wealthier sections when combined to dominate over the

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<sup>162</sup> CC, 12 March 1873 'The Municipal Franchise' by Libertas.

<sup>163</sup> CC, 5 March 1873 'The Municipal Franchise' by Libertas.

<sup>164</sup> *Examiner*, 19 December 1874 'Our Municipalities and Voting' by Memnon.

<sup>165</sup> See *Examiner*, 28 December 1872 'Plurality of Votes' by Thomas Adcock, 20 December 1873 'Plurality of Votes' by Observer; 2 December 1876 'Rural Municipalities Act' by Libertas; 3 June 1882 'Rural Municipalities Act' by A. M. Johnson.

poorer and more numerous'.<sup>166</sup> Time, the petition continued, had proven this to be the case:

It is well known that in every municipality it is only necessary for some ten or twelve of the greater ratepayers to unite, with their own votes of ten each, together with the influence naturally attendant on their social positions, to enable them to rule at will their respective municipalities, to the absolute exclusion from all share of power (if they so wish it) of the general body of their fellow citizens.<sup>167</sup>

The result, the petition concluded, was that poorer municipal ratepayers were 'rapidly lapsing into a condition of indifference, and a healthy state of public spirit is plainly becoming extinct among them'.<sup>168</sup> The solution according to the petitioners was for every ratepayer of six months standing in the municipality to have one vote, and no person to have more than five votes. Petitions of a similar nature to the one above were sent to parliament by ratepayers in the municipalities of Sorell (35 signatures) and Deloraine (87 signatures) in 1874;<sup>169</sup> Fingal (30 signatures) in 1878;<sup>170</sup> Launceston (73 signatures), Hamilton (81 signatures), Richmond (135 signatures) and Oatlands (40 signatures) in 1881;<sup>171</sup> and Longford (66 signatures) in 1882.<sup>172</sup> Petitions also arrived from other districts that had at one time or another expressed an interest in municipal government — Latrobe (207 signatures),<sup>173</sup> Circular Head (60 signatures) and Franklin (37 signatures).<sup>174</sup> By 1881, the petitioners were demanding the municipal vote for every

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<sup>166</sup> 'Municipal Voting: petition from Ross', *Tasmanian House of Assembly Journals*, 1872, paper no. 53 p. 3

<sup>167</sup> *ibid.*

<sup>168</sup> *ibid.*

<sup>169</sup> See 'Rural Municipalities Act: petition for amendment of state of voting', *Tasmania Legislative Council Journals*, 1874, paper no. 73.

<sup>170</sup> 'Municipal Franchise: petition', *Tasmania Legislative Council Journals*, 1878, paper no. 73.

<sup>171</sup> 'Scale of Voting: petitions for amendment', *Tasmania Legislative Council Journals*, 1881, paper no. 103.

<sup>172</sup> 'Municipal Voting: petition from residents of Longford', *Tasmanian House of Assembly Journals*, 1882, paper no. 110.

<sup>173</sup> 'Voting in Municipalities: petitions', *Tasmania Legislative Council Journals*, 1878, paper no. 62.

<sup>174</sup> 'Franchise: petitions from Launceston, Franklin and Richmond etc', *Tasmanian House of Assembly Journals*, 1881, paper no. 102.

person who was liable for rates, and the maximum amount of votes to be exercised to be limited to three.<sup>175</sup>

The Member of Parliament most interested in the franchise question was J. M. Dooley, the member for East Devon in the House of Assembly. He put the question of reform, including a proposal to create a select committee to look into the issue, to several ministries during the mid-1870s without much success.<sup>176</sup> By the early 1880s, with a flood of petitions from ratepayers around the colony demanding some action, the issue could no longer be ignored. Following a series of petitions from Richmond (60 signatures), Ross (34 signatures) and Campbell Town (77 signatures) urging voting reform in early 1883,<sup>177</sup> the government, led by social reformer W. R. Giblin, announced in August that an alteration in the law would be made. It intended to retain the minimum property requirement (£5 for owners, £10 for occupiers) to vote, but proposed to reduce the maximum number of votes allowed by the wealthy from ten down to seven. The scale of voting was also considerably altered, being £5 – £29 (owner) 1 vote; £10 – £29 (occupier) 1 vote; £30 – £59 2 votes; £60 – £99 3 votes; £100 – £149 4 votes; £150 – £209 5 votes; £210 – £279 6 votes; £280 + 7 votes.<sup>178</sup> The *Daily Telegraph* welcomed the move, saying that ‘there are certain principles...which demand correction, and we know nothing in the laws of Tasmania so iniquitous as the power conferred upon wealth in the existing *Rural Municipalities Act*. Far better would it be to sweep away local self-

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<sup>175</sup> Franchise: petitions from Launceston, Franklin and Richmond etc’, *Tasmanian House of Assembly Journals*, 1881, paper no. 102; ‘Scale of Voting: petitions for amendment’, *Tasmania Legislative Council Journals*, 1881, paper no. 103.

<sup>176</sup> *Tasmanian House of Assembly Journals*, 1873 p. 118; 1874 p. 49; 1875 pp. 85-86; 1876 p. 90.

<sup>177</sup> see ‘Municipal Voting: petitions from inhabitants of Ross and Campbell Town’, *Tasmanian House of Assembly Journals*, paper no. 97.

<sup>178</sup> *DT*, 16 August 1883.





government altogether than to leave it in its present form'.<sup>179</sup> The *Tasmanian News* agreed, believing plural voting made Tasmania 'a sleepy hollow, to be pointed at with derision by every other British colony, and to be held up to ridicule in the English newspapers'.<sup>180</sup>

Introducing the bill to parliament, the Premier remarked that it 'had been long felt that the large maximum of voting power at present existing was too large'.<sup>181</sup> The Minister of Lands and Works, N. J. Brown, also opined that 'the present scale had completely killed public spirit in some districts, where the people found themselves crushed by the large voting power of the large proprietors'.<sup>182</sup> The demand for a maximum of three votes, however, was deemed unrealistic, but the government thought seven was an admirable 'medium between extremes on both sides', especially with an eye to having the bill passed by the Legislative Council.<sup>183</sup> In committee, the only significant change was made by Adye Douglas, member for Fingal, who, prompted by John Lyne, member for Glamorgan, successfully moved that female property holders be allowed to vote.<sup>184</sup> Although the bill passed its second reading comfortably, it was laid aside in October after facing considerable opposition in the Legislative Council.<sup>185</sup> Some members of the upper chamber stood firm on the maximum number of votes remaining at ten, others wanted the scale of voting altered to retain the influence of large property-holders.<sup>186</sup>

The bill was re-introduced by the new Douglas ministry a year later, alongside another measure to alter the scale of voting for other local bodies. The Attorney-General J. S.

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<sup>179</sup> *DT*, 31 August 1883.

<sup>180</sup> *Tasmanian News*, 22 October 1884.

<sup>181</sup> *Examiner*, 30 August 1883.

<sup>182</sup> *Mercury*, 30 August 1883.

<sup>183</sup> *Examiner*, 30 August 1883.

<sup>184</sup> *ibid.*

<sup>185</sup> *Mercury*, 27 October 1883.

<sup>186</sup> *Mercury*, 18 October 1883.



Dodds told parliament that ‘the large number of votes at which the maximum was fixed was found to interfere with the successful working of the local government system’.<sup>187</sup> To improve the bill’s chances of success in the upper chamber, a more stringent scale of voting was imposed than in the 1883 proposal.<sup>188</sup> The end result was the *Rural Municipalities Act Amendment* and *Rural Voting Act* 1884. The former decreed that every person, male or female, over twenty-one years of age, owner or occupier of any property within their municipality, would be eligible to be a municipal elector.<sup>189</sup> The latter capped the maximum number of votes allowed to be exercised by any one voter at seven, and set out a new scale of voting — under £30 1 vote; £30 – £79 2 votes; £80 – £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 – £459 6 votes; £460 + 7 votes.<sup>190</sup> While the reforms did not go as far as some wanted, with the maximum number of votes not three or five but seven, the agitation throughout the 1870s and early 1880s had achieved its broad aims — the franchise was widened to include poorer (and female) ratepayers previously excluded, and the power of the wealthy had also been curbed to some extent.

What this meant for the future operation of the nineteen rural municipalities was perhaps most optimistically summed up by a letter to the *Examiner* in November 1884. The working of municipal government, the author opined, ‘ought to create robust and generous virtues, and encourage in the whole community an interest in public affairs, a zeal for the public good, and a readiness to undertake the most laborious tasks in the

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<sup>187</sup> *Mercury*, 9 October 1884.

<sup>188</sup> *Mercury*, 9 October 1884; 22 October 1884.

<sup>189</sup> *Rural Municipalities Act Amendment* 1884.

<sup>190</sup> *Rural Voting Act* 1884.

public service, which are strong guarantees of the security of public welfare'.<sup>191</sup> For two decades, the restrictive franchise had hampered public involvement in municipal affairs. Power in the hands of the wealthy had naturally led to the interests of the wealthy being represented by municipal councils — law, order and the protection of property, along with the minimum necessary rates (the wealthiest of course paying the most rates) to fulfil municipal business. The 1884 reforms, limited as they were, did open up the possibility of increased participation in municipal affairs by the working and middle classes. With the colony returning to more fortuitous economic circumstances, resulting potentially in a greater willingness by ratepayers to incur higher rates, the opportunity now presented itself to alter the focus of municipal government in rural Tasmania.

### *The 1880s and 1890s*

Following the agitation for a more liberal municipal franchise, the early 1880s heralds the beginning of a gradual shift of emphasis in rural municipal government — from an almost exclusive concern with law and order to a role of carrying out public works and improving local services for the comfort and well-being of ratepayers. The first impetus towards this change was the *Education and Public Health Acts* passed by the Douglas Ministry in 1885. In 1868, the *Public Schools Act* had created a board of education comprised of three inspectors, charged with establishing local schools, framing regulations, setting fees, appointing teachers and distributing public money set aside for education purposes. The Act also established local boards, with up to nine members appointed by the government, to ensure that parents sent their children regularly to

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<sup>191</sup> *Examiner*, 29 November 1884 'Municipal Government' by Ishmael.

the people’.<sup>266</sup> The *Public Libraries Act 1867* had empowered municipal councils to set aside funds ‘towards the formation and maintenance of public libraries’, but only the Deloraine municipal council did so when it took control of the existing ailing subscription library in 1876.<sup>267</sup> Efforts to establish reading rooms in other municipalities were frustrated by an inability to find suitable rooms.<sup>268</sup>

Residents wanting a library instead had to wait until councils decided to build new town halls, which often had space allocated within them for reading rooms. Construction of town halls began in earnest from the early-1880s with halls built in the Fingal,<sup>269</sup> Brighton,<sup>270</sup> Oatlands<sup>271</sup>, Ross<sup>272</sup> Bothwell,<sup>273</sup> and Richmond municipalities.<sup>274</sup> Along with Deloraine, only two municipalities actually ran their local library. The Westbury municipal council took over its local subscription library after it ran into financial difficulty,<sup>275</sup> while the Glenorchy council was more ambitious establishing its own library in 1897.<sup>276</sup> Containing over 1000 works, the council deliberately kept the subscription fee low to make the library accessible to as many people as possible, but was initially met with little enthusiasm from the community. The library’s first years were marked by

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<sup>266</sup> *Examiner*, 6 April 1900.

<sup>267</sup> AOT, Deloraine Municipal Council: minutes 1863-1876 (Ref: MCC 42/3/3) 5 April 1875, 6 March 1876, 3 April 1876.

<sup>268</sup> AOT, Richmond Municipal Council: minutes 1861-1890 (Ref: AC 109/1/1) 8 May 1877; [Ross] *Mercury*, 21 November 1887, 13 April 1888, 18 May 1888; [Bothwell] *Mercury*, 8 July 1887; [Oatlands] *Mercury*, 17 December 1873; [Green Ponds] AOT, Green Ponds Municipal Council: Minutes 1862-1870 (Ref: MCC 14/8/1/1) 1 December 1862, 8 April 1863, 7 September 1863, 6 October 1863, 4 September 1865.

<sup>269</sup> *Mercury*, 12 September 1879.

<sup>270</sup> *Mercury*, 13 June 1883, 10 July 1883, 12 February 1887.

<sup>271</sup> *Mercury*, 16 October 1877, 11 February 1878, 21 March 1878, 13 June 1879, 13 July 1880, 15 December 1880.

<sup>272</sup> *Mercury*, 29 January 1890, 5 March 1890, 15 March 1890.

<sup>273</sup> AOT, Bothwell Municipal Council: Minutes 1863-1904 (Ref: MCC 2/9/1/1) 7 April 1900, 5 May 1900, 2 June 1900, 4 August 1900.

<sup>274</sup> *Mercury*, 22 May 1900, 23 January 1905.

<sup>275</sup> *DT*, 8 May 1900, 5 June 1900, 3 July 1900, 7 May 1901.

<sup>276</sup> *Mercury*, 7 September 1895, 13 March 1897.

poor finances and a small number of regular subscribers.<sup>277</sup> In other municipalities, private subscription libraries were established in the new reading rooms with some councils giving an annual subsidy of £10 to £20 to assist them.<sup>278</sup>

Another issue that progress and improvement associations interested themselves in was the lighting of country towns. Kerosene lamps had long been used to light streets at night in some municipalities,<sup>279</sup> but it was not until after 1900 when the councils were flush with money after the sale of police buildings to the government (following the centralization of police) that more comprehensive schemes for lighting were mooted. The first to do so was the New Norfolk municipal council in early 1900.<sup>280</sup> The council had previously entertained the idea of building and operating a gasworks plant to light the town with acetylene gas during the mid-1880s, but the plan had fallen through due to the prohibitive cost.<sup>281</sup> In 1900 the government-operated local asylum had its own supply of lighting powered by electricity, and so the council approached the government to extend this provision to the wider township.<sup>282</sup> Although the Propsting government did not favour the idea, causing some delays, its successor was sympathetic and so the scheme was begun in early 1907.<sup>283</sup>

Longford was another municipality to adopt a scheme of electric lamps, though its path to completion was far from smooth. Originally the local progress association

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<sup>277</sup> *Mercury*, 5 March 1898.

<sup>278</sup> *Examiner*, 4 March 1905, 7 December 1900.

<sup>279</sup> *Mercury*, 13 June 1883, 8 June 1886; AOT, Ross Municipal Council: Minutes 1891-1902 (Ref: MCC 31/3/1/2) 14 October 1892; 9 December 1892, 8 December 1893.

<sup>280</sup> *Mercury*, 25 January 1900.

<sup>281</sup> *Mercury*, 8 January 1886, 15 January 1886, 20 January 1886, 12 February 1886, 27 July 1886, 14 August 1886, 18 March 1887.

<sup>282</sup> *Mercury*, 19 June 1901, 29 June 1901, 12 October 1904.

<sup>283</sup> *Mercury*, 26 February 1907.

approached the council to install more acetylene gas lamps around the town,<sup>284</sup> but the council decided that with an improved supply of water an electric scheme would be more beneficial.<sup>285</sup> The move was hailed as a boon for commerce in the municipality, councillor W. E. Lee telling the council that ‘the wives of the ratepayers would be able to go out shopping at night without any fear of falling in the gutters, [of] which there was great dread at present’.<sup>286</sup> However, like the attempt to improve the water supply, a local Act had to be procured so that only the town ratepayers could borrow and repay money for the scheme. For the sake of convenience a proposed light district was made coterminous with the existing water district, and a plan to borrow £3,000 put to the ratepayers. Although a majority of ratepayers were in support of the scheme (211 votes to 111), the poll fell short of the necessary two-thirds majority and so the scheme was lost.<sup>287</sup>

Undeterred, the promoters simply reduced the area of the light district in order to excise those who were against the scheme, another poll was taken, the scheme approved, and an Act passed in 1904 appointing the local water trust to act as trustees for the light district.<sup>288</sup> Already sore at having control of the waterworks taken off them in 1898, the council regarded this as another slur against its competency.<sup>289</sup> The council therefore petitioned parliament requesting an amendment to the legislation giving them the power to act as trustees for the light district, a move which angered the water trust, which announced that if the amendment was passed they would refuse to grant electricity to the

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<sup>284</sup> *Examiner*, 4 August 1902.

<sup>285</sup> *Examiner*, 11 December 1902.

<sup>286</sup> *Examiner*, 9 March 1903.

<sup>287</sup> *Examiner*, 25 July 1903.

<sup>288</sup> *Examiner*, 8 August 1903, 28 September 1903, 16 January 1904,, 4 July 1904, *Longford Lighting Act* 1904.

<sup>289</sup> *Examiner*, 12 September 1905.

council to carry out the scheme.<sup>290</sup> The amendment was passed<sup>291</sup> and so a stalemate ensued, the water trust refusing to supply electricity and the council thereby unable to carry out the completion of the lighting scheme. Fed up with the intransigence from both local bodies, the ratepayers of the municipality eventually petitioned the council requesting that it cede control to an independent electric light trust elected by the landholders in the light district.<sup>292</sup> After some deliberation the council agreed, and so the Longford Electric Light Trust was created in 1906 to carry out the works.<sup>293</sup>

Further lighting schemes were carried out in other municipalities. Westbury installed acetylene gas lamps from 1902,<sup>294</sup> the Fingal council lit St Marys and had plans to install lamps in other towns,<sup>295</sup> Sorell installed kerosene lamps in 1905,<sup>296</sup> and Deloraine introduced a modest scheme of lights powered by electricity in 1907.<sup>297</sup> Schemes were proposed and rejected as well by the Richmond,<sup>298</sup> and Evandale<sup>299</sup> councils because of the cost involved.

By 1907 rural municipal councils had become more involved in their communities than they had been during the 1860s and 1870s — when they focused almost exclusively on managing police and operating the local courts. By virtue of pressure exerted by the government via legislation on the one hand, and ratepayers through an extended franchise and progress and improvement associations on the other, municipal councils had begun

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<sup>290</sup> *Examiner*, 26 September 1905.

<sup>291</sup> *Longford Lighting Act Amendment* 1905.

<sup>292</sup> *Examiner*, 7 April 1906.

<sup>293</sup> *Examiner*, 28 August 1906.

<sup>294</sup> *DT*, 3 April 1900, 8 May 1900, 13 February 1901, 7 March 1901.

<sup>295</sup> *Mercury*, 6 October 1905.

<sup>296</sup> *Mercury*, 11 March 1905, 17 July 1905, 12 September 1905, 1 March 1906.

<sup>297</sup> *Examiner*, 11 December 1903, 2 August 1904, 10 August 1904, 16 August 1904, 6 September 1904, 22 September 1904, 4 April 1905, 3 October 1905, 8 February 1906, 8 January 1907, 5 November 1907; *AOT*, Deloraine Electric Light Trust: Minutes 1907-1912 (Ref: AD 519/1/1).

<sup>298</sup> *Mercury*, 16 March 1900.

<sup>299</sup> *Examiner*, 8 September 1903.

from the mid-1880s to carry out more works and services to the benefit of local residents. They were obligated to enforce the provisions of the *Education Act*, and carry out improvements in public health such as drainage, water-supply and the construction of slaughter-houses. Councils also spent money on footpaths, municipal reserves and recreation grounds, tree-planting, town halls, town lighting as well as subsidizing local libraries and reading rooms.

It is important to note that, notwithstanding this endeavour, a slim majority of the nineteen municipal councils existing in rural Tasmania did not undertake any substantial public works such as lighting or waterworks, and the work that was done was often confined to large towns in the interior. While the government was happy with the councils' efforts in education and public health during the 1890s, reformers brought in after Federation to supervise the overhaul of those departments were less than impressed with results of the local bodies. Furthermore, even when the burden of police expenses was lifted from their shoulders following the centralization of police in 1898, the councils did not see it as an opportunity to shift their financial priorities to public works. Most were quite happy to levy a small rate that, along with fees and licences annually collected by the municipality, were enough to pay the salaries of the warden and council clerk.<sup>300</sup> Despite the shift in emphasis from law and order to public works during the 1880s and 1890s, and the labour carried out by some councils, there was still ample room for improvement in the construction of public works by the colony's rural municipalities.

This was something recognized by the central government, which, after Federation in 1901, expected municipal councils to take up more financial responsibility for serious

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<sup>300</sup> The municipalities of New Norfolk, Glenorchy and Fingal did not levy a rate at all after 1900, the amount of fees and licences collected covering their expenses.

public works such as roads, bridges and jetties. The first moves towards this objective had begun in January 1889, when the Fysh government announced that it would cease the regular payments of grants-in-aid to the municipal councils in order to encourage greater financial responsibility for their own affairs.<sup>301</sup> The Treasurer B. S. Bird told the House of Assembly in July 1891 that it was time 'that the rural municipalities should be able to provide by their own rates their purely municipal requirements'.<sup>302</sup> Two months later, Bird also told the house that in the future 'public works would be borne more by the people who benefited by them'.<sup>303</sup> He envisaged that the government would provide money only upon local inhabitants agreeing to pay the maintenance, the interest for construction, and a sinking fund for any works. 'Local responsibility', he continued, 'means economical expenditure, and the abolition of the codling system of state nursing which has done so much to kill self-reliance in Tasmania'.<sup>304</sup>

The economic depression that engulfed the colony from 1892, resulting in a sharp reduction in public expenditure by the government, served to re-iterate the point that, in the foreseeable future, government money for public works would not be forthcoming.<sup>305</sup> The principle of local responsibility was further confirmed in 1897 when parliament passed a series of resolutions guiding their response to any future public works schemes put by the government. These were that no works 'ought to be provided for out of borrowed money'; that 'the principle of local responsibility should be recognized, and any contribution out of consolidated revenue should be provided in some proportion to local effort'; and that only local bodies prepared to levy an annual rate amounting to one

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<sup>301</sup> *JPPP(Tas.)*, 1888-89, pp. 315-16.

<sup>302</sup> *JPPP(Tas.)*, 1891, pp. 29-30.

<sup>303</sup> *DT*, 25 September 1891.

<sup>304</sup> *DT*, 25 September 1891.

<sup>305</sup> *Mercury*, 3 August 1892, 21 September 1893, 1 August 1894.



shilling in the pound should be eligible to receive public money.<sup>306</sup> Of particular concern to the Council, and the colony generally, was the dire financial situation that Federation might bring, especially if (as was virtually certain) custom duties were taken away from the colonial treasury and were given to the new Commonwealth government. With a reduction in revenue, the last thing the Tasmanian government needed was to be saddled with more public debt from reproductive works.<sup>307</sup>

Predictions of grim economic times after Federation were correct, with the new state of Tasmania left with less revenue and rising debts.<sup>308</sup> Consequently, successive ministries stressed the need for greater local financial responsibility for public works. The Minister for Lands and Works in the Lewis Government, Edward Mulcahy, told the House of Assembly in 1901 that the 'time was not far distant when the local bodies would be required to assume a larger share of responsibility in connection with roads, bridges, and jetties. The system pursued in the past has done much to sap the self-reliance of the people. They have been so in the habit of running to the state treasury for everything they want that they have come to regard it as a separate entity possessed of the purse of fortunatus'.<sup>309</sup> Similarly, B. S. Bird, now Treasurer for the Lewis government, told parliament in 1903 that 'local bodies and local people have become too much accustomed to look to the government to do all their road-making and mending for them; and it will be better for every district to learn to carry its own local burdens'.<sup>310</sup> A few months later Carmichael Lyne, the Minister for Lands and Works in the Propsting

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<sup>306</sup> *JPPP(Tas.)*, 1897, p. 103.

<sup>307</sup> Townsley, *Tasmania: from colony to statehood*, p193-206; J. Craig, 'Tasmania and the Federal Movement', *THRAPP*, 22(1) 1975 pp. 7-48.

<sup>308</sup> See *DT*, 13 February 1906.

<sup>309</sup> *Examiner*, 12 August 1901.

<sup>310</sup> *Examiner*, 7 February 1903.

government, also hoped to make 'such arrangements with the municipalities as will result in the expenditure of small public works votes by the local authority, subject of course to inspection by a government engineer'.<sup>311</sup>

The new direction was welcomed by the press in the colony.<sup>312</sup> The *Daily Telegraph* thought 'we have arrived at a stage of development at which localities have begun to feel that they must rely upon themselves rather than upon the state government for progress'.<sup>313</sup> However, 'at present the essentials for progressive local government are in each district spread over a number of small bodies none of which are as efficient and capable of rendering economical and otherwise satisfactory service as a single properly constituted local governing body armed with ample authority would be'.<sup>314</sup> For all the local works carried out by the nineteen rural municipalities since the early 1880s, major public works such as roads and bridges were carried out by other local bodies, such as road trusts, or the government. If municipal councils were to be entrusted with public works, major reform was needed. First, municipal government would have to be spread to the rest of the colony. Secondly, councils would have to be given broader powers and responsibilities, along with increased financial resources, to carry out the works. In particular, the rather cumbersome process whereby a local Act was needed for major works requiring only a portion of the municipality to be rated had to be rectified.

The *Examiner*, for one, welcomed such a move. In 1902 it proclaimed that rural municipal government in the island 'has been reduced to a skeleton, that it is farcical'.<sup>315</sup> In January 1906 it called for reform to an 'obsolete municipal system', wanting change to

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<sup>311</sup> *Mercury*, 21 August 1903.

<sup>312</sup> *Examiner*, 22 November 1901.

<sup>313</sup> *DT*, 17 June 1905.

<sup>314</sup> *ibid.*

<sup>315</sup> *Examiner*, 19 May 1902.

bodies that had 'outlived their usefulness and are in a comatose state'.<sup>316</sup> It concluded with the observation that 'we have said before that they are mere skeleton bodies, without municipal flesh and blood'.<sup>317</sup> Was this a fair and accurate comment? Certainly, a lot more was demanded of municipal councils in the post-Federation period in such areas as education, public health and reproductive works, expectations the councils had failed to meet. But in their forty-seven years in existence the nineteen rural municipalities had made a useful, if not always prominent, contribution to the settlement of the colony of Tasmania. They had been in charge of police for nearly forty years, and the dispensation of local justice a little longer. In both these areas local control had been deemed necessary in order for the colony to put its convict past behind it, and move into a responsible free future.<sup>318</sup> For just over two decades some of the rural municipalities had also carried out public works such as lighting, drainage and waterworks to the benefit of their inhabitants. In spite of this enterprise, however, the financial plight of the colony after Federation forced the government to put more responsibilities and financial burdens upon the shoulders of municipal councils, particularly public works. Local financial responsibility for reproductive works, therefore, was an impetus towards comprehensive municipal reform.

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<sup>316</sup> *Examiner*, 18 January 1906.

<sup>317</sup> *ibid.*

<sup>318</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 243.

#### **Chapter Four: One Horse Affairs and Guardians of Little One-Street Townships: the road trust system 1860-1907**

The introduction of representative government in Van Diemen's Land in the early 1850s heralded a new era in road-making in the colony. For most of the convict period roads had been deemed the responsibility of the central government, and colonists had been unwilling to incur local taxation towards their upkeep while the colony remained predominately penal in character. This attitude had somewhat softened from 1848, and in four years seven trusts had been formed by separate Acts of parliament to collect tolls and (in some cases) raise rates to contribute to the maintenance of local roads. The *Cross and Bye Roads Act* created by Denison in 1852 aimed to extend this practice throughout the colony. It established a principle that would eventually dominate the entire colonial period — that local roads were the financial responsibility of local settlers and not the central government.

It is important to point out, however, that while road trusts did carry some small (usually bye road) construction work, the duty of surveying, marking out and building new cross roads was left to the government, through the agency of the Public Works Department. There were two channels available to local inhabitants who desired a new line of local road constructed in their district. The first was to lobby the various sub-inspectors that annually toured local districts to determine the roads needed for the following year. The inspectors, usually after informal consultation with local trustees, would then submit a list of desired roads to the Engineer of Roads in the Public Works Department. The second avenue available was for settlers to petition their local member

of parliament for a road and he would then pass the request onto the Minister of Lands and Works.

Once the Public Works Department had a list of proposed roads, it ranked them according to priority, and submitted the list along with an estimated cost of each road to the Minister of Lands and Works. The minister would then approve, after consultation with cabinet, certain works, and submit them to parliament in the form of a Branch Roads Construction Bill. Members of parliament made any necessary amendments to the bill, and authorized the government to begin construction. The Department then drew up plans and specifications for each new road and called and accepted tenders for each work. These tenders usually had to be approved by the trust of the district in which the road was being built. The Department would supervise the work carried out by contractors and, upon completion of the road, hand it over to the local road trust that was now responsible for its future maintenance.

Much of the activity of the average road trust was administrative and fairly routine. Shortly after the annual election of new trustees, a meeting of the trust was held where officers (chairman, secretary, treasurer) were appointed and a rate struck for the following year. Monthly business for every trust primarily involved receiving correspondence from inspectors and ratepayers about what maintenance was required for roads in the district, calling and scrutinizing tenders for such work, supervising contractors carrying it out, and paying accounts upon satisfactory completion of the job. Trustees also issued notices to landowners and road users who infringed the Act such as

obstructing roads, blocking drains and culverts, or ruining surfaces by the improper use of buggies or wagons.<sup>1</sup>

Some road trusts were more active than others. Those trusts located in the ‘forested fringes’ of the colony — the North West, North East and Far South — tended to levy higher rates and carry out more works than their counterparts in the flatter pastoral lands of the colony between Launceston and Hobart. This was because settlers in the forested fringes often carted ‘heavy’ produce, such as potatoes and timber, across rocky and hilly terrain causing considerable damage to local roads. In contrast, settlers of the pastoral lands carried relatively ‘light’ items, such as wool, on roads in flat terrain built during the convict-era. The wear and tear on local roads was therefore considerably less, and so trusts in these areas tended to rate themselves quite modestly.

Regardless of where they were located, settlers recognized the need for well constructed and maintained roads. As a popular saying during the period put it, ‘bad roads mean small loads’.<sup>2</sup> The greater the risks to the farmer in carrying his produce to market over a road covered with holes, deep ruts or water from poor drainage the smaller the load he would take on the journey. This, in turn, meant increased transport costs and resulted in higher prices for staple items. So both producers and consumers had an interest in ensuring roads were kept in good condition.

Given the important role of roads in the economy during the colonial period, it is surprising that the road trust system has received barely any attention from historians.<sup>3</sup>

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<sup>1</sup> Archives Office of Tasmania (AOT), Hamilton Road Trust Minutes 1852-1907 (Ref: LA 25/12/1-2); Horton Road Trust Minutes 1853-1907 (LA 28/3/1-3).

<sup>2</sup> *Mercury*, 12 February 1890.

<sup>3</sup> R. L. Wettenhall, *A Guide to Tasmanian Government Administration*, (Hobart 1968) p. 312; J. Fenton, *Bush Life in Tasmania fifty years ago*, (Launceston 1989) Chp 15; C. Ramsay, *With the Pioneers*, (Hobart 1957) pp. 78-9.

K. R. Von Stieglitz's *A History of Local Government in Tasmania* devotes a chapter to road trusts, but does not go into any detail about the development of the trust system or the relationship between the local bodies and the central government.<sup>4</sup> The other significant book on the subject, *Convicts and Carriageways: Tasmanian road development until 1880*, covers only half of the period the road trust system was in existence, and gives the role and activity of road trusts scant consideration.<sup>5</sup> The purpose, therefore, of this chapter is to outline the development of road trust system in the colony from the early 1860s, focusing particularly on the relationship between the road trusts and the central government and how it changed through the colonial period.

The chapter will argue that during the 1860s, 1870s and early 1880s the road trust system evolved upon the base of two pillars — the continual sub-division of existing road trusts into smaller units, and the government system of granting generous aid to assist the trusts in carrying out maintenance on local roads. The first pillar arose from a combination of the large size of early trusts, political differences between landowners, and the system of plural voting that tended to entrench the power of a clique of wealthy families in each trust. Consequently, it was easier for disaffected landowners to split off and form their own trust rather than fight for influence in their old one. As a result, by the mid-1880s a majority of road trusts in the colony looked after under fifty miles of road. Given the small size of trusts, trustees were eager to secure government aid to supplement local rates to assist with maintaining roads. The central government was eager to grant such aid for most of the period between 1860 and 1890 to encourage land

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<sup>4</sup> K. R. Von Stieglitz, *A History of Local Government in Tasmania: from the earliest settlement of Van Diemen's Land to the present time*, (Hobart 1958) Chp 10.

<sup>5</sup> L. Newitt, A. Jones, *Convicts and Carriageways: Tasmanian road development until 1880*, (Hobart 1988).

settlement and boost the mining industry and agricultural sector of the colony. Despite the small size and limited financial resources of the road trusts, the system worked well so long as government aid was forthcoming.

However, during the 1880s, the central government became concerned at the poor condition of local roads around the colony. Critical of the performance of the road trusts, the government wanted better outcomes for the money it was spending on road construction. The government favoured the amalgamation of existing road trusts into bigger units, so that they could employ skilled engineers and improve the quality of maintenance they carried out. But amalgamation was not favoured by the trusts, who thought it would be detrimental to the interests of inhabitants in more remote rural parts of the colony. This led John Hope, member for Devonport in the House of Assembly, to label the smaller road trusts in 1901 as 'one horse affairs, posing as guardians of little one-street townships'.<sup>6</sup>

In response to the reluctance of existing trusts to amalgamate, the government turned to two solutions to improve the outcome of the road trust system. The first was to reform the franchise, curb the influence of the wealthy cliques and restrict the constant subdivision of existing trusts whenever certain landowners were aggrieved at the actions of current trustees. The second was to shift the emphasis from local control to local financial responsibility for local roads. It was thought that trusts would be more effective, efficient and economical if they dealt for the most part with their own money. So from 1889 not only did successive governments reduce overall aid, but, in an effort to boost revenue from local rates, they put stringent conditions on trusts who applied for financial assistance. The poor financial position of the colony caused by the economic

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<sup>6</sup> *Mercury*, 11 October 1901.



depression of the early 1890s and then by Federation, resulting in a reduction of colonial revenue, was the justification for such a policy. Decreasing aid was part of a greater government endeavour to slash public spending. The cuts in aid would have a dramatic effect on the multitude of small trusts, which were suddenly unable adequately to maintain roads primarily from local rates. Their plight was exacerbated further by the dawn of a new era of mechanized transport, symbolized by the increased use of traction engines, which demanded roads of better quality than those built for the horse and buggy age. By the early 1900s the road trust system was under severe strain, but the government held firm on the principle of local financial responsibility for local roads. However, the only local bodies left with the financial resources available to maintain roads were municipal councils. Local financial responsibility for roads therefore, in spelling the end of the road trust system, was an impetus towards comprehensive municipal reform.

### *The Road Trust System: the 1860s and 1870s*

One of the first bills passed by the two-thirds elected Legislative Council in Van Diemen's Land — the *Cross and Bye Roads Act* 1852 — sought to facilitate the construction and maintenance of local roads across the colony. Relatively short, containing only fifty-seven clauses, it repealed the various local Acts that had created seven trusts between 1848 and 1852, and introduced a more efficient method for settlers to form elective bodies to deal with local roads. The Act allowed a minimum of five landholders and five householders to petition the government for a road district. After

the district had been proclaimed by the Lieutenant-Governor, a public meeting of landowners in the district was to be held to elect a trust of between three to seven members. The trustees were to be elected in one day, by a show of hands and a majority vote, according to a system of plural voting. If a landowner incurred a total annual assessment below 3s 9d he received one vote, between 3s 9d and 7s 6d two votes, between 7s 6d and 15s three votes, between 15s and 30s four votes, and over 30s five votes.

Serving a one year term, the trustees were expected to follow a general policy of road construction and maintenance laid out by the public meeting after their election. To ensure this, the annual rate of assessment was fixed by the landowners at the public meeting and not by the trustees themselves (not exceeding  $\frac{1}{2}$ d per acre on pasture lands, 3d on cultivated lands, 6d on annual rental lands, tenements and houses, and  $1\frac{1}{2}$ d per acre on Crown Land), and no new rate would be allowed to be struck unless all rates previously assessed had been spent. Trustees, however, were empowered to collect rates, erect toll-bars and collect tolls, regulate the dimensions of roads, purchase land and compensate settlers for land taken for road purposes, and appoint officials such as treasurers, solicitor-clerks or surveyors. They were also obligated to publish trust accounts annually and assist settlers in laying out roads if they requested help. The trusts were responsible for Cross roads (from township to township, township to a public bridge or main road, or township to navigable river or sea-shore) and Bye roads (roads from farms/private land to Crown Land, main and cross roads, or to other farms and private land).<sup>7</sup>

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<sup>7</sup> *Cross and Bye Roads Act 1852.*

The Act was welcomed as a means of fixing the poor state of existing roads in the colony.<sup>8</sup> The *Courier* hoped ‘that the new boards will show vigor and determination in carrying out the very important task which devolves upon them’.<sup>9</sup> Not only for the sake of good roads, but also because, averred the *Courier*, ‘they may be looked upon as testing a principle... whether the body of the people is or is not fit for self-government’.<sup>10</sup> During the convict period it had been a recurring theme in some quarters that local institutions were an opportunity for the colonists of Van Diemen’s Land to show that they were capable of running their own affairs competently, and such an attitude demonstrated the close connection made between flourishing local institutions and a successful and free future for the colony. Encouragement, then, would have been taken by the proclamation in 1852 of nineteen new road trusts, nine in the North of the island<sup>11</sup> and ten in the South.<sup>12</sup> Three more trusts were formed in 1853,<sup>13</sup> and five more in 1854.<sup>14</sup>

The trusts began their work earnestly, but were hampered by a shortage of available labor,<sup>15</sup> delays in appointing surveyors to lay out roads,<sup>16</sup> and, most significantly, by a shortage of funds — either from an inability to collect rates in their district or the maximum assessment not providing enough money for the work required.<sup>17</sup> To assist the trusts, Denison in 1853 had passed legislation increasing the maximum rate of assessment (1d per acre on pasture lands, 6d on cultivated lands, 1s on annual rental lands/tenements

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<sup>8</sup> *Hobart Town Courier*, (HTC), 5 April 1853, 31 August 1853.

<sup>9</sup> *HTC*, 7 December 1853.

<sup>10</sup> *ibid.*

<sup>11</sup> Devon, Longford, Chudleigh, Evandale, Patterson’s Plains, Dorset, Pembroke, Westbury, Breadalbane.

<sup>12</sup> Glamorgan and Cornwall, Bothwell, Great Lake, Hamilton, Brown’s River, Clarence Plains, New Norfolk, Sorell, Richmond, and Huon.

<sup>13</sup> Horton, Oatlands and Swanport.

<sup>14</sup> South Macquarie, North Macquarie, Ringarooma, Upper Derwent, and Broadmarsh.

<sup>15</sup> *HTC*, 7 December 1853, 4 January 1854; *Hobart Town Gazette* (HTG), 10 January 1854, 26 December 1845, 26 February 1856.

<sup>16</sup> *HTG*, 23 December 1856.

<sup>17</sup> *HTG*, 10 January 1854, 10 March 1855, 4 December 1855, 23 December 1856, 2 September 1856.

and houses) and gave trustees greater powers to collect rates.<sup>18</sup> But problems continued and in July 1855 a Select Committee investigated how the trusts functioned and suggested ways of improving their work. The Committee's report found several serious flaws with the developing road trust system. The first was that trustees carried out the Act 'in an arbitrary and objectionable manner', commencing work after inadequate consultation with landowners and then giving them unsatisfactory compensation, and that in some cases trustees had been allowed to become contractors for work they had authorized. Criticism too was directed at road trust elections, the report alleging that publicans had used their public houses to host meetings to elect trustees, which were 'the occasion of much riot and disorder', in order to get themselves elected onto trusts.<sup>19</sup> Of greater concern was the pernicious practice whereby 'small ratepayers in the townships outvote the large ratepayers and landholders who contribute by far the greater share of expense to the construction and maintenance of roads'.<sup>20</sup> Finally, the report found that 'in several instances the funds of the road trusts have been injuriously expended on roads begun and abandoned', and that in other cases work had begun without 'proper plans, sections and estimates being first drawn'.<sup>21</sup>

Rather than put forward recommendations, the Committee suggested that the existing law be consolidated, allowing other members of the Legislative Council the opportunity to propose remedies for the defects of the trusts.<sup>22</sup> But the shift to a bicameral parliament delayed this course of action. The new parliament instead passed legislation in 1857

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<sup>18</sup> *Cross and Bye Roads Act Amendment* 1853.

<sup>19</sup> 'Cross Roads Acts: report of select committee', *Van Diemen's Land Legislative Council: votes, proceedings and papers*, 1855, paper no. 15 p. 3.

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*, p. 4.

<sup>22</sup> *ibid.*

allowing trusts to accumulate money over several years (rather than having to spend it all until a new rate could be struck).<sup>23</sup> Further legislation in 1858 introduced a new method of assessment and rating (all rates to be made on the annual value of all property within the road district), an increased maximum rate (1s in the pound) and a new scale of voting for elections. The minimum annual value required to exercise the vote was set at £15, while the number of votes was apportioned thus: £15 – £49 one vote; £50 – £99 two votes; £100 – £149 three votes; £150 – £199 four votes; £200 – £249 five votes; £250 – £299 six votes; £300 – £349 seven votes; £350 – £399 eight votes; £400 – £499 nine votes; £450 + ten votes.<sup>24</sup>

After a brief settling in period, the mid-1850s saw the emergence of two pillars upon which the road trust system in the colony would evolve for the next few decades — the continual sub-division of existing road trusts into smaller units, and the government granting generous aid to local bodies to assist with road maintenance. The first pillar arose because of the large size of several of the early road trusts on the one hand, and political differences on the other. In some of the more sparsely populated regions of the colony in the early 1850s — the far North West (Horton), North West (Devon), North East (Dorset), and Far South (Huon) — in order to make the new bodies financially viable large trusts had initially been created to draw in as many settlers as possible. It was soon discovered, however, that large trusts in areas with poor roads became unwieldy. It was hard to attract landowners to public meetings, and conducting trust business was laborious if trustees were unable to meet regularly because of travel

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<sup>23</sup> *Cross and Bye Roads Act Amendment 1857.*

<sup>24</sup> *Cross and Bye Roads Act Amendment 1858.*

difficulties, especially in winter.<sup>25</sup> It soon became apparent that smaller trusts were more convenient because trust business could be conducted more efficiently by trustees living near each other, as well as giving landowners greater opportunity to participate in trust affairs. Therefore, from 1855, districts in some of the sparsely-settled regions split from these large trusts to form their own smaller bodies. In 1856 the districts of Port Cygnet, Victoria, North West Bay and Esperance split from the Huon Road Trust and formed their own individual trusts,<sup>26</sup> joined by Southport in 1859.<sup>27</sup> In the North East the residents of George Town separated from the Dorset Road Trust,<sup>28</sup> and in the North West the districts of Deloraine, Upper Meander and Surrey Hills separated from the Devon Road Trust.<sup>29</sup>

In other cases, road trusts were split because of political differences. Landowners (sometimes prominent families) either squabbled over the allocation of money, or localities within a road district claimed that they had been ignored by trustees.<sup>30</sup> Road trusts were either dissolved into new separate entities — Pembroke separating in 1857 into North Pembroke and South Pembroke,<sup>31</sup> or Clarence Plains in 1855 into Ralph's Bay and Cambridge,<sup>32</sup> — or else disaffected districts left — Upper Derwent and Broadmarsh leaving the New Norfolk Road Trust in 1854,<sup>33</sup> and Exton and Westwood separating from West Tamar Road Trust in 1857.<sup>34</sup> Alongside the splitting or sub-division of existing trusts, new smaller trusts were formed in the late 1850s all over the colony in places such

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<sup>25</sup> *HTC*, 4 January 1854.

<sup>26</sup> *HTG*, 12 February 1856.

<sup>27</sup> *HTG*, 17 May 1859.

<sup>28</sup> *HTG*, 24 February 1857.

<sup>29</sup> *HTG*, 1 April 1856.

<sup>30</sup> *HTC*, 4 January 1854.

<sup>31</sup> *HTG*, 1 December 1857.

<sup>32</sup> *HTG*, 29 May 1855.

<sup>33</sup> *HTG*, 13 June 1854, 29 August 1854.

<sup>34</sup> *HTG*, 24 November 1857.

as Carrick, Emu Bay, Table Cape, Honeywood, Wellington Hamlets, Augusta and Kensington.<sup>35</sup>

This practice continued throughout the 1860s and 1870s. Although there was the occasional sub-division of an existing trust (the Devon Road Trust was split in two in 1864 to form the West and East Mersey Road Trusts,<sup>36</sup> the Sorell Road Trust was separated into Upper and Lower Sorell),<sup>37</sup> the norm was for an ever increasing number of small bodies to be formed. In 1870 there were fifty road trusts across the colony, sixty-seven by 1875, and the number had reached seventy by 1879.<sup>38</sup> For the most part the trend was welcomed during this period. One correspondent to the *Mercury* in 1876 remarked that

One may say each little road trust has been developed from the physical configuration of the country. Nature has divided this beautiful island...into a great many comparatively isolated compartments, separated by unfordable streams and difficult mountain ranges, and until Art has bridged the streams and macadamized the mountain roads, any material alteration of the present boundaries of districts would not be easy to arrange satisfactorily, and if arranged would not, perhaps, produce the results anticipated'.<sup>39</sup>

While smaller trusts might have been advantageous in some respects, the issue soon arose of whether they would have the financial resources to carry out the work required of them. As early as 1853 the Legislative Council had seen fit to match on a pound to pound basis the sum raised by individual road trusts by way of assessment,<sup>40</sup> but the issue of aid became more pressing in the wake of the passing of the *Waste Lands Act* in 1858. This Act was designed to open up unsold Crown Land in the 'forested fringes' of the colony, as a means of stemming the tide of young men leaving the colony for the gold-

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<sup>35</sup> *HTG*, [Carrick] 10 March 1857; [Emu Bay] 24 November 1857; [Table Cape] 23 December 1856; [Honeywood & Wellington Hamlets] 12 February 1856; [Augusta & Kensington] 7 October 1856.

<sup>36</sup> *HTG*, 11 October 1864.

<sup>37</sup> *HTG*, 24 November 1868.

<sup>38</sup> *Statistics of Tasmania*, 1871-1880.

<sup>39</sup> *Mercury*, 27 July 1876 'Roads and Bridges' by Tasman.

<sup>40</sup> *Van Diemen's Land Legislative Council: votes, proceedings and papers*, 1853, 22 September 1853 p. 185.

rushes on the mainland, as well as attracting further immigration.<sup>41</sup> Crucial in unlocking lands was the construction of roads, and so a Select Committee was appointed in September 1860 to examine the issue of aid.<sup>42</sup> The committee's report stated that it was 'highly desirable that agricultural crown lands should be opened up by roads before they are sold', in order to attract buyers and increase the cost of the lands.<sup>43</sup> But the committee found that cross and bye roads throughout the colony were 'extremely unsatisfactory', particularly in those districts where the Crown wished to dispose of land.<sup>44</sup> It therefore recommended that one-third of the amount received by the sale of Crown Land under the *Waste Lands Act* should be distributed as aid to the road trusts to assist them in maintaining roads.<sup>45</sup> In early 1862, parliament handed out a further £8000 from the Land Fund to road trusts that rated themselves at 1s in the pound.<sup>46</sup>

But no sooner had the money been granted to the road trusts when the new Whyte ministry, which came to power in 1863, took it away. In 1865 the government announced that the funds from the sale of Crown Lands under the *Waste Lands Act* would be transferred from the road trusts to the newly-created local bodies called Board of Works (dealt with in chapter three).<sup>47</sup> The road trusts were furious, indignant meetings were held at Richmond,<sup>48</sup> Ross,<sup>49</sup> and Longford,<sup>50</sup> and petitions against the proposal

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<sup>41</sup> See H. J. W. Stokes, 'North West Tasmania 1858-1910: the establishment of an agricultural community' (PhD Australian National University 1969) Chp 1.

<sup>42</sup> *Tasmanian House of Assembly Journals*, 1860, 6 September 1860 p. 181.

<sup>43</sup> 'Report from the Select Committee on Inter-Communications by Roadways', *Tasmanian House of Assembly Journals*, 1861, paper no. 142 p. 4.

<sup>44</sup> *ibid.*, p. 5.

<sup>45</sup> *ibid.*, p. 6.

<sup>46</sup> *Tasmanian House of Assembly Journals*, 1861, p. 432.

<sup>47</sup> 'Grants-in-aid of Road Districts', *Tasmanian Legislative Council Journals*, 1865, paper no. 58 p. 4.

<sup>48</sup> *Mercury*, 9 September 1865.

<sup>49</sup> *Mercury*, 12 September 1865.

<sup>50</sup> *Examiner*, 15 August 1865.



flooded parliament.<sup>51</sup> A petition from the Westbury Road Trust viewed ‘with alarm the projected withdrawal of the annual grants-in-aid of roads, as tending to retard the progress of the settled parts of the colony, and to impose additional burdens upon the ratepayers to enable them to keep their roads in passable condition’.<sup>52</sup>

The press too was unhappy. The *Mercury* noted that ‘nothing has ever so shaken the confidence in the Whyte administration as this. The disaffection to which this gross breach of faith has led, is not confined to one of the road districts, it extends to all...from one end of the island to the other, all are up in arms against the government, and they will be more so, before we get to the end of this unfortunate business’.<sup>53</sup> The *Examiner* expressed a similar sentiment.<sup>54</sup> The government stood firm, however, and so the aid to the road trusts was considerably reduced. From 1867 to 1874 it comprised around 25% of the total revenue of all the road trusts combined.<sup>55</sup>

So began a lean period for the road trusts. With the colony in the midst of an agricultural downturn in the late 1860s, rates and revenue declined and the road mileage looked after by the trusts stagnated. Among calls for more roads to be built to open up the country and stimulate the economy,<sup>56</sup> criticism of the road trusts appeared and reform

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<sup>51</sup> See ‘Withdrawal of Grant-in-aid to Road Trusts: petition from Longford’, *Tasmanian Legislative Council Journals*, 1865, paper no. 38; ‘Grants-in-aid of Road Districts: petitions against withdrawal from’, *ibid.*, paper no. 39; ‘Grants-in-aid of Road Districts:: petitions against withdrawal’, *ibid.*, paper no. 45; ‘Grants-in-aid of Roads: petition against withdrawal’, *ibid.*, paper no. 48; ‘Grants-in-aid of Roads: petition against withdrawal’, *ibid.*, paper no. 49; ‘Grants-in-aid of Roads: petition from Municipal Council of Clarence’, *ibid.*, paper no. 54; ‘Grants-in-aid of Roads: petitions against withdrawal’, *ibid.*, paper no. 53; ‘Grants-in-aid of Road Districts: petition from trustees of Great Lake Road Trust’, paper no. 57; ‘Grants-in-aid of Roads: petition against withdrawal’, *ibid.*, paper no. 62.

<sup>52</sup> ‘Aid to Road: petition from trustees and ratepayers in the road district of Westbury’, *Tasmanian House of Assembly Journals*, 1865, paper no. 63 p. 3.

<sup>53</sup> *Mercury*, 12 September 1865.

<sup>54</sup> *Examiner*, 5 September 1865, 14 September 1865.

<sup>55</sup> *Statistics of Tasmania*, 1868-1875.

<sup>56</sup> *Mercury*, 6 August 1869, CC, 6 March 1867, 29 January 1870, 23 May 1870 ‘Roads’ by An Old Colonist

was demanded.<sup>57</sup> The *Cornwall Chronicle* in 1867 proclaimed that ‘if the public could but know of the number of lives sacrificed in one year in consequence of the neglected state of the public roads, or what should be public roads, in Northern Tasmania, it would send such a thrill of horror from one end of the colony to the other as would result in something practical being done for the relief of the settlers in the new districts without any further delay’.<sup>58</sup>

The Smith ministry had consolidated the 1852 Act in 1860, but had made only a few alterations.<sup>59</sup> The most significant changes had been to increase the minimum number of land-holders required to petition for a road district to ten, to take the power of determining rates off the annual public meeting of ratepayers and put it in the hands of the elected trustees, and increase the powers of trusts to raise loans to carry out repairs.<sup>60</sup> In 1865 the Whyte government had passed a further amendment, introducing rotational elections for trustees and stopping them from voting on issues where they had a pecuniary interest.<sup>61</sup> But earlier ministries had shied away from the issue that most annoyed reformers, namely the franchise and the influence of large property owners.

Calls for the reduction in the maximum number of votes under the system of plural voting had begun in 1858 with a petition to the Legislative Council from settlers in Port Sorell, seeking to cap the maximum number of votes at five.<sup>62</sup> In 1860, submissions from various road trusts to parliament when the existing Act was being consolidated called for the minimum property requirement to be lowered from £15 to £10, and for the maximum

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<sup>57</sup> *Mercury*, 14 September 1871.

<sup>58</sup> *Cornwall Chronicle* (CC), 23 October 1867.

<sup>59</sup> *Mercury*, 13 July 1860.

<sup>60</sup> *Cross and Bye Roads Act* 1860.

<sup>61</sup> *Cross and Bye Roads Act Amendment* 1865.

<sup>62</sup> ‘Petition: from ratepayers of Port Sorell district’, *Tasmanian Legislative Council Journals*, 1858, paper no. 23 p. 3.

number of votes able to be exercised to be reduced from ten to either seven or five.<sup>63</sup> In 1869 a correspondent to the *Mercury*, arguing for a more liberal franchise, alleged that ‘in all new settlements where the ostensible provisions of the *Cross and Bye Roads Act* are most required, one-half the settlers from whom the rates are exacted have no voice whatever in the election of trustees, or the expenditure of the funds. One-fourth, generally tenants, are neutralized by their landlord’s vote, and consequently the whole working of the Act is confined to one-fourth of the population’.<sup>64</sup> The *Cornwall Chronicle* called for a number of reforms to improve the democracy in the trust system, including the introduction of written nominations, the secret ballot, the compulsory keeping of minutes, a minimum property requirement to exercise the vote set at £10, and the scale of voting to be altered to curb the influence of the wealthy.<sup>65</sup>

Towards the end of 1869, the new Wilson government introduced a bill into parliament consolidating the existing Act.<sup>66</sup> Rushed through both houses, the bill was similar in most respects to the 1860 Act, the only major alteration of the franchise. As a consequence of the economic downturn and pressure from ratepayers, the minimum property requirement was reduced to £5 (owners) and £10 (occupiers). The scale of voting was also liberalized, changed to £5 – £39 (owner) 1 vote; £10 – £39 (occupier) 1 vote; £40 – £79 2 votes; £80 – £119 3 votes; £120 – £159 4 votes; £160 – £199 5 votes; £200 – £239 6 votes; £240 – £279 7 votes; £280 – £319 8 votes; £320 – £359 9 votes; £360 + 10 votes.<sup>67</sup>

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<sup>63</sup> ‘Cross and Bye Roads Bill: correspondence’, *Tasmanian House of Assembly Journals*, 1860, paper no. 24 pp. 3-14.

<sup>64</sup> *Mercury*, 3 September 1869 ‘Cross and Bye Roads’ by Agricola.

<sup>65</sup> *CC*, 30 July 1869.

<sup>66</sup> *Mercury*, 31 August 1869.

<sup>67</sup> *Cross and Bye Roads Act* 1870.

In spite of the new Act, the early 1870s were still a difficult time for the road trusts. Rates and revenues began steadily to improve, but still not enough to adequately maintain local roads around the colony. A correspondent to the *Mercury* in 1872 noted, for instance, that ‘the existing state of the bye-roads renders travelling in the country nearly impossible, and the transport of produce altogether’.<sup>68</sup> Criticism too was levelled at the trustees, who were accused of either not doing enough to improve local roads or, if they had the will, of lacking the skill and expertise to carry out the work properly. A letter to the *Examiner* bemoaned the fact that

Under the present regime the same ‘old hats’ are returned from year to year, who, legislating for one class, of which they are the principals, press heavily upon the operatives, the farmers and the laborers under them. Not only are those wise men of Gotham stuck up with insular pride and provincial prejudice, ridiculous and contemptible for their combination of positive ignorance and absolute conceit, but they are also notoriously incapable of administering with any degree of justice the petty business details of the districts over which they have control.<sup>69</sup>

Another correspondent to the *Mercury* was slightly more charitable towards road trustees:

It will be found they generally consist of two classes – the active men who feel the responsibility of their office and try and do their best, and the inactive, who do nothing and seldom or never appear at a meeting. Of these two classes the latter is sometimes to be preferred to the former, unless the active trustees be practical men, and so do not make very serious blunders. But can this be expected of tradesmen and those classes from which road trustees are generally chosen? Would a man of business entrust his affairs in the hands of another equally inexperienced in his profession? It can hardly be right then...to take it for granted that an ordinary draper, storekeeper, publican or butcher must be born with an intuitive knowledge of road-making.<sup>70</sup>

The writer concluded by calling for greater expertise to be used in road-making in the colony, and urged every trust to appoint a skilled engineer to supervise all road maintenance in their district.<sup>71</sup> Such a demand was beyond the financial means of most

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<sup>68</sup> *Mercury*, 12 July 1872 ‘Cross and Bye Roads’ by Chas G. Maynard.

<sup>69</sup> *Examiner*, 14 September 1872 ‘Road Making at Fingal’ by Viator.

<sup>70</sup> *Mercury*, 9 July 1872 ‘Roads and Road Trustees’ by W. C. S.

<sup>71</sup> *ibid.*

of the road trusts. They relied, in most cases, on the Public Works Department to do a reasonable job in constructing roads in the first place that would require little maintenance afterwards.

The fortunes of the road trusts brightened in the mid-1870s, as a result of the failure of the Board of Works, the election of the Kennerley government in 1873, and the burgeoning mining boom that brought increasing prosperity to the colony. Loud calls for roads to open up the new mining districts were heard across the island.<sup>72</sup> In response, the Kennerley government announced a grand scheme to construct roads and bridges throughout the colony, and restore the generous aid to road trusts to assist in the project.<sup>73</sup> Although the government's scheme was first blocked in the Legislative Council, then considerably trimmed, the aid to the trusts remained. Between 1875 and 1879 total aid to the bodies almost matched the amount they raised themselves in rates, and aid came to comprise around one-third of their total revenue. For most of the smaller road trusts, and some of those located in the rugged forested fringes of the colony, aid came to represent around half of their total revenue.<sup>74</sup> This aid was needed to look after an increasing mileage of road, up from 3481 miles in 1875 to 4079 miles in 1879.

Therefore, by the end of the 1870s, the road trust system in the colony was perhaps the healthiest it had been since its inception in 1852. Despite persistent criticism levelled at their performance,<sup>75</sup> over seventy road trusts were in control of over 400 miles of local roads around the colony by the end of the decade. The road trust system to that point had

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<sup>72</sup> See *Mercury*, 5 July 1876 'Gold, Tin and Bad Roads' by Paddy O'Lougharty; 28 May 1877 'Roads Wanted at the Tin Mines' by A Resident; 10 July 1877 'Roads at the Tin Mines' by A Resident of Gould's Country; 12 February 1878 'Roads to and Through the West Coast' by S. B. Emmett.

<sup>73</sup> *Tasmanian House of Assembly Journals*, 1875, p. 91.

<sup>74</sup> *Statistics of Tasmania*, 1875-1880.

<sup>75</sup> See *Mercury*, 25 March 1876, 4 November 1878 'Road Trusts and Public Money' by Protester; *Examiner*, 19 August 1879 'Roads' by Kentish; CC, 1 October 1875 'Our Roads' by Settler.

evolved on the base of two pillars. The first was the preference of the colonists for relatively small sized road trusts — a consequence of geography in some cases and social and political reasons in other cases. This had led to a situation by 1879 that out of seventy trusts, twenty-seven looked after between twenty to fifty miles of road, while sixteen were responsible only for less than twenty miles of road.<sup>76</sup> The second pillar was the government handing out generous aid to assist the trusts in maintaining local roads.

Despite this aid being considerably reduced for a period from the mid-1860s, it was still nonetheless a significant amount, and trusts would have struggled further in a time of economic downturn without it. And herein was the problem. Although the road trust system of the late 1870s appeared to be a shining example of permissive local government at work — a healthy sense of voluntarism coupled with money to help fledging local bodies on their feet — it actually exposed the vulnerability of the whole edifice. A system of small trusts that relied ostensibly upon government aid worked fine, as long as the government was willing to continue with the hand-outs and the financial position of the colony enabled them to do so. It would only take a change of heart by a ministry, political pressure, or a recession, to produce cracks in the pillars for the whole structure suddenly to look insecure. Such cracks would appear from the early 1880s.

#### *Main Road Boards 1880-1907*

The shift towards a new policy began with the deteriorating state of the main roads around the colony. By virtue of Franklin's *Road Act* of 1840, re-confirmed by Eardley-Wilmot's Act of 1846, the construction and maintenance of main roads had been the

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<sup>76</sup> *Tasmanian Statistics*, 1879-80.

responsibility of the central government.<sup>77</sup> In 1846 the main road was deemed that which ran from Hobart to Launceston, via Bridgewater, Oatlands, Campbell Town and Perth. The Acts also allowed the government to erect toll-gates and collect tolls to assist with the maintenance of the road. Between 1855 and 1861 the government spent a total of £82,294 on maintaining the main line of road, an average of just under £12,000 a year.<sup>78</sup> This was considered too great a burden and the Select Committee appointed in 1862 to inquire into the development of roads in the colony recommended that 'one-third of the sum required for the repair of the main line of road should be raised by assessment on the different road districts through which the main road passes'.<sup>79</sup>

A bill put to the House of Assembly in 1863 by the Whyte government went further than this recommendation. It proposed that the government and road districts in which the main line passed through should split half and half the cost of maintaining the road, a rate of 6d being levied in the road districts for the purpose.<sup>80</sup> The Colonial Treasurer, Charles Meredith, thought it 'only fair' that road trusts contribute towards the maintenance of roads that they had an interest in keeping in good condition.<sup>81</sup> The Attorney-General, R. B. Miller, hoped that it would be a step towards the abolition of tolls and a 'comprehensive system of management of these roads'.<sup>82</sup> The bill met a mixed reception in parliament. Generally speaking, representatives of electorates that did not have a section of the main road favoured the proposal, while members that did have a

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<sup>77</sup> *Roads Act 1840, Main Roads Act 1846.*

<sup>78</sup> 'Main Line of Road: return', *Tasmanian House of Assembly Journal*, 1862, paper no. 74 p. 3.

<sup>79</sup> 'Report from the Select Committee on Roadways', *ibid.*, paper no. 96 p. 3.

<sup>80</sup> *Mercury*, 4 September 1863.

<sup>81</sup> *Mercury*, 31 August 1863.

<sup>82</sup> *ibid.*

section of the main road were against it.<sup>83</sup> This being so, the government agreed to the bill being put before a Select Committee, composed of a slim majority of members in districts the main line of road did not pass through. The report of the committee declared that the main line of road was 'a national work, to be kept and maintained by the government'.<sup>84</sup> After considering the issue of local annual assessments to assist in the maintenance of the road, it found that 'no equitable mode of assessment can be devised'.<sup>85</sup> Therefore it recommended that the *status quo* should remain, but that additional toll-gates could be erected to boost revenue.<sup>86</sup>

The declining economic fortunes of the colony from the mid-1860s, however, prompted the government to reduce the amount of money spent on maintaining the road. Between 1862 and 1869, a total of £45,379 was spent on maintenance, a yearly average of £5672.<sup>87</sup> From the early 1870s, criticisms of the poor condition of the main line of road began.<sup>88</sup> A correspondent to the *Mercury* described the road from Hobart to Richmond as filled 'with dangerous holes, the road being in some places loosely spread with fine gravel, in other places a mere track over sandy soil, and throughout abominable with ruts'.<sup>89</sup> The poor state of the road was a consequence of the government spending

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<sup>83</sup> Petitions against the bill were sent by inhabitants of Ross (67), Brighton (115), Augusta (4), Green Ponds (40) *Tasmanian House of Assembly Journal*, 1863, p. xxxvi.

<sup>84</sup> 'Main Road Rate: report from the select committee', *Tasmanian House of Assembly Journals*, 1863, paper no. 88 p. 3.

<sup>85</sup> *ibid.*

<sup>86</sup> *ibid.*

<sup>87</sup> 'Roads and Bridges: expenditure in certain districts since 1857', *Tasmanian Legislative Council Journals*, 1874, paper no. 56 p. 3.

<sup>88</sup> CC, 20 October 1869, 29 December 1873, 24 June 1874, 4 January 1875.

<sup>89</sup> *Mercury*, 7 July 1873 'Main Roads and Cross Roads' by Chas. G. Maynard.



less in maintaining it. Between 1870 and 1874 the total amount was £18,504, an average of £3700 a year.<sup>90</sup>

In September 1875, the Kennerley government decided to submit a bill dealing with main roads to the parliament. In introducing the bill the Minister for Lands and Works, William Moore, called the condition of the main road ‘anything but satisfactory’.<sup>91</sup> He remarked that ‘large sums of money had been expended on roads, which were now worn out, and which, unless something was done quickly to remedy them, would become things of the past’.<sup>92</sup> The government proposed to broaden the definition of a main road to include not just the road from Hobart to Launceston, but other important trunklines throughout the colony, such as the road from Deloraine to the North West, and roads from Launceston to the North East. Present main roads, and future lines constructed by the government, would be classified into three groups A, B and C, based on the amount of traffic that was likely to occur on them and their proximity to centres of population. Each class of road was to receive a different amount of aid per mile for maintenance (A £24/mile, B £18/mile, C £12/mile) with the money being handed to government-appointed local boards under the broad supervision of a Commissioner of Main Roads.<sup>93</sup> Local supervision, the Treasurer F. M. Innes added, would ‘enlist in the public cause local energy, experience, inspection and observation’, improving the quality of work carried out.<sup>94</sup> The bill was for the most part well received in the Assembly, although

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<sup>90</sup> ‘Roads and Bridges: expenditure in certain districts since 1857’, *Tasmanian Legislative Council Journals*, 1874, paper no. 56 p. 3.

<sup>91</sup> *Mercury*, 9 September 1875.

<sup>92</sup> *ibid.*

<sup>93</sup> *CC*, 10 September 1875.

<sup>94</sup> *Mercury*, 9 September 1875.

some members had a problem with appointed local boards, and others with the classification of roads, which they thought could disadvantage some rural areas.<sup>95</sup>

In the Legislative Council, it was a different story. The bill received a hostile reception, some members seeing the broadening of the definition of main roads as an attempt to transfer the financial responsibility of all roads from local bodies to the government. W. D. Grubb, member for Tamar, told the parliament that 'it appeared to him very like the commencement of centralization, of favoritism, of log-rolling and bribery and corruption. It was an attempt to take out of the hands of the people local liabilities, local legislation, and local control'.<sup>96</sup> It would, he continued, 'neutralize all that they had attempted to do for years past, and would crush local energy and independence'.<sup>97</sup> Other members, such as W. L. Crowther, member for Hobart, thought the proposal would create financial burdens the colony could not bear.<sup>98</sup> The bill was subsequently thrown out by the Council.

The matter rested until 1878 when the Fysh ministry<sup>99</sup> again put a bill for main roads in front of parliament. With an eye towards securing a smooth passage through both houses, the new bill was slightly modified from the previous failed bill. This time the government proposed to create fourteen new districts called main road districts, containing existing road trusts and, in some cases, rural municipalities. Each district was to have a board of five members, two appointed by the government, the other three elected by the various road trusts in each main road district.<sup>100</sup> The board members

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<sup>95</sup> *ibid.*

<sup>96</sup> *Mercury*, 22 September 1875.

<sup>97</sup> *ibid.*

<sup>98</sup> *ibid.*

<sup>99</sup> Composed of three members from the Kennerley government (Fysh, W. R. Giblin, William Moore)

<sup>100</sup> *Mercury*, 12 August 1878.

would serve three year terms, and be responsible for the money granted to it annually by parliament for the maintenance of main roads. The classification system of the previous bill was dispensed with, replaced with the provision that each board would receive £15 of aid for every mile of road under its jurisdiction.<sup>101</sup>

The bill was, as the Minister of Lands and Works N. J. Brown admitted to the House of Assembly, an attempt to appease those who wanted the main road to remain in the hands of the government, as well as those who demanded greater local control.<sup>102</sup> As it turned out, both sides were left unsatisfied. Those who wished to retain central control thought the board system would not work, while those members who favoured local control argued that mixed nominee/elected boards made a mockery of local government.<sup>103</sup> Narrowly surviving an attempt to stop its second reading, the bill was put to a committee. However, discussion on amendments dragged on and the bill eventually lapsed when the Fysh government fell in December 1878.

The next attempt came in 1880, when the Giblin ministry put another bill concerning main roads to parliament.<sup>104</sup> Again, alterations were made in an effort to find some middle ground between those who wanted local control and those who wished the government to retain responsibility for main roads. The government proposed to keep the road between Hobart and Launceston in government hands, while boards would be responsible for maintaining other main roads. Members of the road trusts and rural municipalities through which these main roads passed would automatically become members of the local main road boards, in charge of money allocated annually by

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<sup>101</sup> *Examiner*, 15 August 1878.

<sup>102</sup> *Mercury*, 7 September 1878.

<sup>103</sup> *ibid.*

<sup>104</sup> With William Moore as Chief Secretary, and later N. J. Brown as Minister of Lands and Works

parliament for maintenance.<sup>105</sup> The compromise was successful, and the bill was passed by parliament without too much comment.<sup>106</sup>

The result, the *Main Roads Act* 1880, dealt with over 700 miles of designated main roads in the colony. It transferred the existing powers of the Director-General of Roads to a newly-created Commissioner of Main Roads, effectively the Minister of Lands and Works. The role of the Commissioner was to supervise the money allocated annually by parliament for main road maintenance, and to take charge of the upkeep of the 123 miles of road between Hobart and Launceston. The rest of the 578 miles of main road was to be the responsibility of main road boards, which would comprise of those members of the road trust or rural municipality in which the main road passed through.<sup>107</sup> Tolls were to be abolished on most of the main roads, the boards to send an annual estimate to parliament detailing the work required, the amount necessary to carry it out, and the length of road they presently maintained. The boards were able to make by-laws, appoint officers, and enter into contracts to carry out their duties, and were to furnish their accounts annually to the Colonial Auditor. As a safeguard, the government retained the right to appoint inspectors to report on the condition of roads around the colony as well as suspend boards who were deemed to be refusing or neglecting their duties.<sup>108</sup>

The precise number of boards formed under the Act, and, in active service afterwards, is difficult to ascertain. The government would often suspend temporarily the operations of boards when they deemed their work unsatisfactory, until the Public Works

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<sup>105</sup> *Mercury*, 7 February 1880.

<sup>106</sup> *Mercury*, 25 February 1880.

<sup>107</sup> Most Rural Municipalities refused to become Main Road Boards, and so a local road trust was appointed in their place, *HTG*, 9 May 1882, 16 May 1882, 9 January 1883, 13 February 1883.

<sup>108</sup> *Main Roads Act* 1880.

Department had fixed the roads to the desired standard.<sup>109</sup> New lines of main road were constantly being constructed and existing main roads were re-defined as cross roads and handed over to road trusts. This especially was the case after 1889 when the government decreed that any main road that ran parallel to a railway was now a cross road and the responsibility of road trusts.<sup>110</sup> Furthermore, road trusts would either split or disappear, requiring a reconfiguration of existing arrangements. Still, during the 1880s there was just above thirty main road boards, the number increasing to over forty by the early 1890s, and reaching around the mid-fifties after Federation.<sup>111</sup> The duties of the boards were fairly straightforward — call, scrutinize and organize tenders for the maintenance of roads, supervise the work, and pay the contractors upon satisfactory completion.<sup>112</sup>

The new system was cautiously welcomed by James Fincham, the Engineer-in-Chief of the Public Works Department, in his annual report to parliament in 1881. ‘The experience of the first year’s operation’ he wrote, ‘gives me confidence that under the working of the Act the condition of the main roads will yearly improve to a much greater extent than is possible just at present, when the wear and tear and neglect of many years has to be remedied’.<sup>113</sup> Less enthusiastic was the press. The *Mercury* in January 1881 alleged that ‘in a few places where the main road boards possess the necessary ability and energy, the roads are properly maintained and satisfactory work has been done. While in those places where the boards are either incompetent or careless, or both, the roads have been left without the exercise of even such a slight care and attention as is necessary to

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<sup>109</sup> See *HTG*, 17 January 1882, 16 May 1882, 9 January 1883, 9 September 1884.

<sup>110</sup> *Mercury*, 17 May 1889.

<sup>111</sup> *HTG*, 1880-1907.

<sup>112</sup> *AOT*, Cambridge Main Road Board: Minutes 1880-1907 (Ref: LA 82/1) 26 August 1880, 30 December 1880; Margate Main Road Board: Minutes 1898-1907 (Ref: LA 44/1).

<sup>113</sup> ‘Maintenance of Main Roads: report of Engineer-in-Chief’, *Tasmanian Legislative Council Journals*, 1881, paper no. 63 p. 3.

keep the roads from getting worse'.<sup>114</sup> The *Examiner* too proclaimed that 'the system established is of a mongrel character, which is grating to the local bodies without developing their administrative character, nurturing self-reliance or producing a due sense of responsibility, while it tends to augment the burdens of the central government'.<sup>115</sup> In their defence, the main road boards claimed that sub-standard state of the main roads was the fault of the government. The roads in the first place were poorly constructed by the Public Works Department, and then the aid given to the boards was only enough to patch up the worse spots.<sup>116</sup>

Between 1881 and 1888 the government spent a total of £135,215 on maintaining just over 700 miles of main road, an average of £16,901 a year.<sup>117</sup> The boards considered the amount insufficient for the task that they had to do,<sup>118</sup> and complaints about the state of the roads were common.<sup>119</sup> One correspondent to the *Mercury* in 1883 recounted a recent journey on the road from Richmond to Kangaroo Point:

We had not gone far before it was evident that the greater part of the road was not, metaphorically speaking, far better than an ordinary brickfield, where ruts and clay abound. Besides this, the roadway in places has been so curtailed as not to allow one team to pass another; insignificant hillocks have been cut down, and the earth there-from thrown into the hollows, without sufficiency of metal to prevent the wheels of vehicles passing through it and forcing up the soil from below; and, as I was informed, heavily laden drays and wagons are compelled to come to town by the Risdon road, as their wheels would sink to the axles upon the quasi-main line.<sup>120</sup>

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<sup>114</sup> *Mercury*, 10 January 1881, see also 13 January 1881.

<sup>115</sup> *Examiner*, 17 January 1881.

<sup>116</sup> *Examiner*, 19 August 1880 'Main Roads Maintenance' by Colonist.

<sup>117</sup> *Statistics of Tasmania*, 1880-1889.

<sup>118</sup> see AOT, Longford Main Road Board: Minutes 1880-1907 (Ref: LA 39/3) Chairman of Board to Commissioner of Main Roads, 11 March 1885, 24 May 1886, 13 September 1886, 15 February 1888; Scottsdale Main Road Board: Minutes 1880-1900 (Ref: LA 61/4) 29 August 1885; [Hamilton Main Road Board] *Mercury*, 7 May 1887, 16 May 1888.

<sup>119</sup> 'Public Works: report of Engineer-in-Chief', *Tasmania: Journals and Printed Papers of Parliament JPPP(Tas.)*, 1885, paper no. 56 p. 7; 'Public Works: report of Engineer-in-Chief', *ibid.*, 1886, paper no. 66 pIX; *Mercury*, 5 October 1885.

<sup>120</sup> *Mercury*, 22 May 1883, 'Main Roads and Main Road Boards' by Viator.

Another correspondent added that in Franklin a bridegroom (with some volunteers) had been forced shortly before his wedding to fix holes in the main street of the township to ensure that his prospective bride arrived at the church in good humour.<sup>121</sup> Fault was attributed to the boards, one letter to the *Mercury* noting that ‘there are some districts the road trustees of which have the ability, time and inclination to carry out the work required and intended by the Act, but they are few and far between’.<sup>122</sup> A member of one of the boards, possibly A. J. Ogilvy of the Richmond Main Road Board, also wrote to the newspaper admitting that the system was ‘a failure – evils are neglected, remedies delayed, offences against the Act unnoticed, contract works passed without proper examination’.<sup>123</sup> The reason for such a state of affairs, he believed, lay with the fact that the board’s members were not paid and were relatively unaccountable for their actions. Unpaid boards were fine, he reasoned, for legislative or judicial purposes, but not for executive matters. A lack of remuneration led to a certain lethargy in carrying out the work of main road boards. The solution, the writer concluded, was for each board to appoint a paid officer to carry out inspections of minor repairs, supervise contractors, and be responsible for the administrative work of the board. This paid officer would then have to answer to the trustees of board, creating some semblance of accountability.<sup>124</sup>

The Public Works Department blamed the lethargy of board members as well for the poor state of main roads. The ‘weakness of the system’, James Fincham noted in his annual report of 1883, was the ‘want of provision for really efficient supervision of the

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<sup>121</sup> *Mercury*, 13 October 1881 ‘Roads Maintenance’ by Franklin.

<sup>122</sup> *Mercury*, 12 September 1883 ‘Main Roads Maintenance’ by C. B. Fenton.

<sup>123</sup> *Mercury*, 9 June 1883 ‘Main Road Board’ by A. J. O.

<sup>124</sup> *ibid.*

boards'.<sup>125</sup> He called for the amalgamation of existing main road boards into bigger units, so they could afford to appoint more inspectors to supervise contractors and apprehend road-users infringing the Act.<sup>126</sup> He reiterated this point in 1884, remarking that 'the number of boards is too great, the districts too small, and proper work and supervision cannot be relied upon until some change is made'.<sup>127</sup> For Fincham, the choice available to the government was clear — alter the size of the main roads or hand over complete control of the main roads to the government.<sup>128</sup>

The Fysh ministry (1887-1892) came up with a novel, if not entirely effective, solution for the problem. In 1889 it declared that all existing (and future) main roads that ran parallel to a railway would now be designated cross roads, and the responsibility of local road trusts.<sup>129</sup> It also became more stringent in its definition of a main road, as there was a sneaking suspicion that road trusts sometimes offloaded the more expensive-to-maintain cross roads in their district by claiming they were now main roads in the colony.<sup>130</sup> The move was unpopular with road trusts,<sup>131</sup> but resulted in the total mileage of main roads in the colony being reduced from 749 miles in 1889 to 488 miles by 1895.<sup>132</sup> However, rather than additional aid going to the remaining main road boards, the Fysh ministry was determined to slash public expenditure and so reduced aid for road maintenance. In its first two years in office, the Fysh ministry spent £37,207 on main road maintenance, a yearly average of £18,603. But from 1889 it spent a total of

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<sup>125</sup> 'Public Works: report of Engineer-in-Chief', *Tasmanian Legislative Council Journals*, 1883, paper no. 68 p. 3.

<sup>126</sup> *ibid.*

<sup>127</sup> 'Public Works: report of Engineer-in-Chief', *JPPP(Tas.)*, 1884, paper no. 58 p. 6.

<sup>128</sup> 'Public Works: report of Engineer-in-Chief', *Tasmanian House of Assembly Journals*, 1882, paper no. 79 p. 4; 'Public Works: report of Engineer-in-Chief', *JPPP(Tas.)*, 1886, paper no. 66, p. 9.

<sup>129</sup> *Mercury*, 17 May 1889.

<sup>130</sup> *DT*, 23 August 1888; *Mercury*, 5 June 1888.

<sup>131</sup> See *Mercury*, 21 July 1892; *Mercury*, 15 February 1889.

<sup>132</sup> *Statistics of Tasmania*, 1889-1895.



£40,990, an average of £10,247 a year.<sup>133</sup> The economic depression of the early to mid-1890s only encouraged successive governments (Dobson 1892-1894; Braddon 1894-1898) to keep funding as low as possible, and so from 1889 to 1897 a total of £67,208 was spent on main road maintenance, a yearly average of £7,467.

This made life harder for main road boards. In 1891 an inspector of the Public Works Department noted in a report to parliament that ‘in reference to the main road maintained by the local main road boards, I desire to point out that some of these bodies are doing very good work, whilst others are doing the reverse’.<sup>134</sup> In 1894 Fincham again called for the amalgamation of main road boards, and a re-distribution of aid to give priority to roads that carried the most amount of traffic.<sup>135</sup>

The Braddon ministry that came to power in April 1894 had a different idea. What was the solution to the shortfall of funding as well as improving the work and accountability of main road boards? Encourage road trusts to contribute annually towards the maintenance of main roads. The principle of local financial responsibility for main roads, first mooted in 1863, was revived and put to parliament in the form of two bills in 1894. The first bill simply amended the existing *Road Act* allowing road trusts if they wished to contribute some of their funds towards the maintenance of main roads.<sup>136</sup>

The second bill sought to encourage local contributions by putting conditions on the aid main road boards received. The government proposed that main road boards would receive aid based on the rate levied by their local road trust. Road trusts that did not levy the rate of 1s over five years would be granted a reduced sum, but they could supplement

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<sup>133</sup> *Statistics of Tasmania*, 1888-1893.

<sup>134</sup> ‘Public Works: report of Engineer-in-Chief’, *JPPP(Tas.)*, 1891, paper no. 118, p. 12.

<sup>135</sup> ‘Public Works: report of Engineer-in-Chief’, *JPPP(Tas.)*, 1894, paper no. 73 p. 4.

<sup>136</sup> *Road Act Amendment* 1894.

this amount by a contribution from the local road trust fund if they so wished. As Braddon told the House of Assembly, 'the principle of the bill was to help most largely those who helped themselves'.<sup>137</sup>

The new provision was met with an unsympathetic response by the rest of the House, who thought that it would only lead to the further deterioration of main roads, requiring more government money in the future to fix. N. J. Brown, member for Cumberland, thought 'the minister would find a hornet's nest raised when he came to apply the hard and fast rule of the bill'.<sup>138</sup> The bill passed parliament authorizing aid to the main road board for the following year, but the clause allowing the Minister to distribute aid *pro-rata* was struck out by the Assembly.<sup>139</sup>

While the second bill failed, the amendment to the *Road Act* demonstrated the shift in attitude that was taking place. Since the beginning of European settlement in the colony main roads had been deemed the financial responsibility of the central government. Now, due to the poor state of the roads combined with a reduction in government spending, the government looked to local bodies to contribute financially to main road maintenance. Where the Braddon ministry had failed to realize this objective, the Lewis government, which came to power in October 1899, would eventually succeed.

The economic fortunes of the colony had improved in the late 1890s, prompting the new government to increase its spending on road maintenance. Between 1899 and 1903 it spent a total of £26,155, at a yearly average of £6538. Some of this was due to new lines of main road being constructed, and under the Lewis government the total mileage of main road increased from 557 miles in 1899 to 765 miles by 1902. This meant an

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<sup>137</sup> *Mercury*, 26 July 1894.

<sup>138</sup> *ibid.*

<sup>139</sup> *ibid.*

increase in the number of main road boards as well, with numbers reaching around the mid-fifties. The Minister of Lands and Works, Edward Mulcahy, justified the increased expenditure in a speech to parliament in 1901. He noted that ‘the supposed saving made by curtailing expenditure upon road maintenance has in the past been proved to be really a false economy, many of our first class roads requiring, at the present time, a much larger sum to be expended upon them to make them good than that which was supposed to have been saved’.<sup>140</sup>

However, Mulcahy was critical of the main road boards. Some, he admitted, had done good work, spending efficiently the money allocated annually to them. But, he doubted ‘whether in all cases the same carefulness is exercised, and the money allowed by parliament actually expended upon the roads to which the amount are voted. At all events, the fact remains the main roads as a whole are not well looked after’.<sup>141</sup> The government toyed with the idea of putting control of all main roads back in its hands, but the financial position of the colony after Federation ruled out that option. It was simply not feasible to expand the Public Works Department under the current circumstances.<sup>142</sup>

Instead, the government announced in 1902 that greater local financial responsibility was needed in regard to main road maintenance. The government had, Mulcahy told the House of Assembly, when introducing a bill for this purpose, decided to adopt the principle ‘of better equality of sacrifice owing to natural advantages, denser population, and other better circumstances enjoyed by certain road districts as compared with others’.<sup>143</sup> All road districts through which a main road passed that levied themselves at

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<sup>140</sup> *Mercury*, 10 August 1901.

<sup>141</sup> *ibid.*

<sup>142</sup> *North West Advocate*, 23 July 1901.

<sup>143</sup> *Mercury*, 27 November 1902.

the maximum rate of 1s would receive the full amount of aid granted to it by parliament. Road districts that levied themselves at less than 1s would receive a reduced amount of aid from the government, and would then have to make up the difference by a contribution from their own funds. It ensured, Mulcahy continued, that those 'road districts which should have paid in this way long ago' could not shirk their responsibilities in the future.<sup>144</sup>

Like the similar bill put to parliament by the Braddon government, the new measure was opposed by some members of the House of Assembly. They argued that the bill was too harsh, punishing small and poor road trusts and potentially injuring many in outlying rural areas. A motion to have the bill thrown out was narrowly defeated, and the government stood firm. Lewis declared that if the bill was defeated the government would have dramatically to reduce the aid annually given.<sup>145</sup> After some minor amendments, the bill was eventually passed,<sup>146</sup> but was unpopular with the road trusts.<sup>147</sup> The Trevallyn Main Road Board complained of its 'inability to keep the roads in order for the sum voted by the government, it being totally inadequate'.<sup>148</sup>

By 1903 then the main roads of the colony, once controlled and financed solely by the central government, were not just under a large degree of local control, but would be financed in part by local bodies themselves. Such a move had been necessary due to the poor condition of the main roads around the colony, the reduced government aid from the early 1890s, and the perceived failure of the main road boards created in the early 1880s adequately to carry out their duties. Local control over government aid had initially been

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<sup>144</sup> *ibid.*

<sup>145</sup> *ibid.*

<sup>146</sup> *Main Roads Maintenance Act* 1902.

<sup>147</sup> AOT, Gordon Road Trust: Minutes 1897-1907 (Ref: LA 20/3) 11 November 1902.

<sup>148</sup> *Daily Telegraph* (DT), 4 February 1903.

thought sufficient to ensure good outcomes, but it soon became clear that more was needed to improve road maintenance. Amalgamation or centralization was ruled out as not being politically expedient. The most favoured option was to introduce a degree of local financial responsibility for roads under the care of boards. It was deemed necessary to improve efficiency and accountability, as well as, most importantly, making up for the overall reductions in government spending during a difficult economic period. If the principle could be applied to main roads, traditionally the responsibility of the government, then it could almost certainly be extended to the rest of the road trust system.

### *The Road Trust System: 1880-1907*

By 1880, there were 73 road trusts around the colony in charge of maintaining some 4159 miles of cross and bye roads.<sup>149</sup> Criticism of the poor condition of the roads was common.<sup>150</sup> The *Devon Herald* described the roads of the North West as being ‘seas of mud’ for four or five months of the year around winter-time,<sup>151</sup> and those in the North-East were not much better.<sup>152</sup> The problem was, as the *Daily Telegraph* pointed out, that most road construction and maintenance took place in winter, the most inappropriate time, instead of in the spring or summer. This was because money allocated by parliament for the construction of roads was often formally authorized in December (at

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<sup>149</sup> *Statistics of Tasmania*, 1880.

<sup>150</sup> *Mercury*, 11 December 1880 ‘Road-Making’ by W. E. Shoobridge; 26 June 1884 ‘The Construction of Roads and Bridges’ by Bluestone; 15 December 1880; *Telegraph*, 19 January 1883 ‘Road-Making’ by Antediluvians.

<sup>151</sup> *Devon Herald*, 26 August 1882.

<sup>152</sup> *Telegraph*, 2 July 1881; *DT*, 16 June 1884.

the end of the parliamentary session) and by the time the Public Works Department had marked and surveyed new lines of road the most opportune time to construct them had passed. Road trusts were also hampered in their efforts to maintain roads during spring and summer by a shortage of labour, and the fact that trustees themselves were occupied with their own agricultural pursuits.<sup>153</sup>

The mining boom had led to an expansion in the total mileage of cross and bye roads around the colony, the result of several ministries borrowing heavily and constructing new lines to open up land. In 1881 the Giblin ministry, however, was alarmed by reports that roads constructed by the government were now in disrepair. In response, it put a bill to parliament in August that would compel road trusts to maintain all roads that the government had constructed. As Giblin told parliament, ‘many people were anxious for expenditure on their roads, but were unwilling to bear the accompanying burden...the bill asked them within their means to keep their roads in order’.<sup>154</sup>

Although the House of Assembly was broadly sympathetic towards the bill, some members sought modifications. Edward Braddon, for instance, wanted road trusts to be consulted by the Public Works Department before any new line of road was constructed, and no new roads to be handed over to trustees to maintain unless they had considered them made to their satisfaction. He worried that roads would be dumped upon road trusts that they would be unable to maintain.<sup>155</sup> The government was reluctant to accept his request. It thought that prior consultation would prolong an already lengthy process of road construction, and did not think it appropriate that the supreme legislative body in the

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<sup>153</sup> *DT*, 26 May 1886; *Mercury*, 19 December 1888.

<sup>154</sup> *Examiner*, 17 August 1881.

<sup>155</sup> *ibid.*

colony should seek the approval of local bodies before embarking on works for the public good.<sup>156</sup>

In the Legislative Council, the bill had the support of some members in principle, with William Hodgson, member for Pembroke, thinking it was 'right for the government to say that if the people wanted certain roads they must maintain them'.<sup>157</sup> But most members were opposed, thinking it would only encourage profligate spending by the government.<sup>158</sup> The Council wanted the bill scrutinized by a Select Committee, a move resisted by the government who thought it a ploy to stall its progress.<sup>159</sup> But a Select Committee was appointed and met briefly in early September to consider the bill.

In light of the recent experience of increased government expenditure on road construction, the Committee thought that it would be 'very undesirable to relieve the landholders in a road district of all liability in respect to the construction or substantial improvement of existing or proposed new roads within a road district'.<sup>160</sup> It therefore recommended that in the future no new roads should be constructed by the Public Works Department until road trusts had been consulted as to whether the road was necessary. To ensure that 'roads will be much more economically constructed and better supervised by the trustees', the Committee urged that greater financial responsibility for road construction should be borne by the road trusts themselves. It further recommended that no new roads be constructed unless road trusts contributed a portion of the cost of construction. To encourage increased 'local responsibility', the Committee thought the

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<sup>156</sup> *ibid.*

<sup>157</sup> *Mercury*, 1 September 1881.

<sup>158</sup> *ibid.*

<sup>159</sup> *Mercury*, 8 September 1881.

<sup>160</sup> 'Branch Roads Construction Bill, 1881: report of select committee', *Tasmanian Legislative Council Journals*, 1881, paper no. 93 p. 5.

government could offer two pounds for every pound raised by road trusts by means of a loan towards the construction of roads in their district.<sup>161</sup>

The government was unimpressed by most of the report, deeming it unrealistic to expect road trusts to raise loans to construct roads, and thought it would curtail the construction of roads ‘urgently needed to aid the mining industry and encourage land settlement’.<sup>162</sup> The report was ignored and the government insisted the bill (with small modifications) be passed. It became the *Road Maintenance Act* 1881. The Act stipulated that whenever the government had constructed or substantially repaired any road in a road district, trustees were obligated to ‘maintain and keep in good repair any such road’, keep it clear of timber and scrub, and keep in good repair drains and culverts. Most importantly, if trustees were lethargic, the government could order the Public Works Department to carry out repairs, and then re-coup costs by levying a rate in the road district.<sup>163</sup>

The Act was welcomed by the press,<sup>164</sup> but was naturally greeted with some apprehension by the road trusts, who wanted greater consultation to take place with the Public Works Department before roads were built. A motion to this effect was put by Braddon to the Assembly in 1882, but was defeated.<sup>165</sup> The Act, as well as the Select Committee report, marked the beginning of a shift in attitude by colonial politicians towards the road trusts. Too much money had gone into new roads to allow them to fall into disrepair by road trust incompetence. The *Roads Maintenance Act* 1881 was a small

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<sup>161</sup> *ibid.*

<sup>162</sup> *Mercury*, 27 October 1881.

<sup>163</sup> *Roads Maintenance Act* 1881.

<sup>164</sup> *Telegraph*, 24 August 1881; *Examiner*, 10 December 1881.

<sup>165</sup> *Tasmanian House of Assembly Journals*, 1882, 17 August 1882 p. 74.



step towards encouraging — or compelling — road trusts to take greater financial responsibility for cross and bye roads around the colony.

The new Act notwithstanding, the early 1880s saw a small boom in the number of road trusts in the colony, from seventy-three in 1880 to ninety by 1885. The new road trusts were formed mainly in East, South and Far South of the colony, some the result of the sub-division of existing trusts, most predominantly small. In 1885 out of ninety road trusts, thirty-nine looked after between twenty to fifty miles of road; twenty-eight looked after under twenty miles. This included several trusts which were responsible for six miles (Cambridge, Wellington Hamlets, West Mersey), four miles (South Glenorchy, South Bridgewater, Ridgeway) and three miles (Latrobe, Leslie) of road, as well as the Glebe Road Trust, that maintained just one mile of road.<sup>166</sup>

The rise in number of small trusts worried the Engineer of Roads, William Duffy. He noted in a report to parliament in 1883 that ‘hitherto the efficiency and utility of the road trust system has been so greatly hampered by the smallness and number of the trusts’.<sup>167</sup> This was due to an inability of most trusts to pay skilled officers to maintain roads, leading trustees to carry out the work themselves, often with unsatisfactory results. It also encouraged corruption.<sup>168</sup> Duffy therefore recommended that the number of road trusts be reduced and their areas enlarged to improve their finances.<sup>169</sup>

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<sup>166</sup> *Tasmanian Statistics*, 1885.

<sup>167</sup> ‘Public Works: report of engineer in Chief’, *Tasmanian Legislative Council Journals*, 1883, paper no. 68 p. 8.

<sup>168</sup> Allegations of jobbery were common. See *Mercury*, 4 November 1878 ‘Road Trusts and Public Money’ by Protester; *Examiner*, 16 July 1880 ‘Road Trustees’ by R. Westland Marston; 7 April 1881 ‘Road Boards and Roadmaking’ by Arthur Clemam.

<sup>169</sup> ‘Public Works: report of engineer in Chief’, *Tasmanian Legislative Council Journals*, 1883, paper no. 68 p. 8.

The early 1880s also saw a more strident push by some landowners to liberalize the franchise in road trust elections.<sup>170</sup> Although not nearly as active as the movement to reform the franchise in rural municipalities, it was hoped that reform would curb the influence of the wealthy and so stop the domination of road trust affairs by cliques of powerful landowners or families.<sup>171</sup> As the *Tasmanian News* stated in 1884:

The law as it present stands...is altogether in favour of minorities. A very few property-holders, in many of the rural districts, have the power of influencing the expenditure of the rates and government subsidy absolutely as they desire. They swamp the elections with their ten votes apiece, and the industrious struggling ratepayers have on recourse....the small farmers grin and bear it, plodding through mud up to their knees to reach their homes, or have the mortification of seeing their carts bogged in almost impassable thorough-fares, while the roads up to their rich men's dwelling are well metalled and kept in repair at the public expense.<sup>172</sup>

Broadening the participation of landowners in road trust politics might also halt the formation of small trusts, as it was easier for disaffected landowners to form a new trust than to gain influence in existing ones.<sup>173</sup> In 1883 the Giblin ministry put a bill to parliament consolidating the existing road law, including a proposal to liberalize the franchise and reduce the maximum number of votes able to be exercised by wealthy landowners to seven. This was opposed by the Legislative Council which altered the scale, and returned ten as the maximum number of votes.<sup>174</sup> Unable to reach an agreement with the Assembly, the bill lapsed in committee.<sup>175</sup>

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<sup>170</sup> See 'Scale of Voting: petitions for amendment', *Tasmanian Legislative Council Journals*, 1881, paper no. 103 p. 3.

<sup>171</sup> *Mercury*, 24 August 1881 'Road Trust Voting' by Three Votes; *Examiner*, 7 June 1882 'The Cross and Bye Roads Act 1870' by A. M. Johnson.

<sup>172</sup> *Tasmanian News*, 9 October 1884.

<sup>173</sup> *Mercury*, 18 August 1887 'The Roads Act Amendment Act' by Road Trustee.

<sup>174</sup> *Mercury*, 16 August 1883.

<sup>175</sup> *Mercury*, 26 October 1883.

In 1884, the Giblin government managed to push through a consolidation bill, albeit with the provision regarding the franchise removed, before it fell in August.<sup>176</sup> The *Roads Act* 1884 altered little the previous *Cross and Bye Roads Act* 1870. It just increased the minimum number of trustees to either five or seven as well as moving the date of annual road trust elections to April.<sup>177</sup> Towards the end of the year, the new Douglas government passed the *Rural Voting Act* that, after some concessions to the Legislative Council, altered the scale of voting and reduced the maximum number of votes able to be exercised to seven. The new scale of voting was as follows — under £30 1 vote; £30 – £79 2 votes; £80 – £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 – £459 6 votes; £460 + 7 votes.<sup>178</sup>

One consequence of the consolidation bill being hastily put through parliament by the Giblin ministry was that some mistakes were made.<sup>179</sup> The most glaring was retention of open voting for road trust elections, a provision, as the *Mercury* pointed out, that made a mockery of the Giblin's government pledge to curb the influence of the wealthy.<sup>180</sup> The *Devon Herald* called open voting 'an insult to the intelligence of the people', and urged the government to ban it.<sup>181</sup> In response, the government duly passed amending legislation in 1885, introducing the secret ballot, as well as ensuring that all political landowners had to be nominated in writing and their names published before annual elections took place.<sup>182</sup>

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<sup>176</sup> *Mercury*, 17 July 1884.

<sup>177</sup> *Roads Act* 1884.

<sup>178</sup> *Rural Voting Act* 1884.

<sup>179</sup> *Mercury*, 31 July 1885.

<sup>180</sup> *Mercury*, 31 August 1885.

<sup>181</sup> *Devon Herald*, 21 July 1885.

<sup>182</sup> *Roads Act Amendment* 1885.

For many, however, the new legislation squandered an opportunity to fix an ailing system.<sup>183</sup> A correspondent to the *Daily Telegraph* in 1884 remarked that trustees were ‘with very few exceptions...utterly incompetent to make or keep roads in repairs. They may be good men as farmers, storekeepers etc, but as road-makers they are hopeless’.<sup>184</sup> A critical report by William Duffy, presented to parliament in August 1886, provoked some action. Duffy noted the benefits that a policy of expanded road construction had brought, especially as ‘in many districts miles of made roads afford accommodation to hundreds of settlers and farmers throughout the land, where, a few years since, a tangled forest and undergrowth prevailed’.<sup>185</sup> But, with the yearly increase of road construction, ‘the responsibilities and calls for road expenditure on trusts accumulate’, and Duffy feared that ‘the present system of repairs and maintenance under the road trusts must break down, and roads that have been constructed will have to suffer from want of funds to pay for necessary repairs and renewals’.<sup>186</sup> To fix the road trust system, Duffy made two suggestions. First, existing road trusts had to be amalgamated to improve efficiency, reduce costs, and enable road trusts to employ skilled engineers to supervise maintenance. Second, road trusts that did not rate themselves to the full extent allowed in the *Roads Act* 1884 (1 shilling) or did not properly enforce the collection of rates, should be debarred from receiving government aid towards the maintenance of their roads.<sup>187</sup>

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<sup>183</sup> *DT*, 16 July 1885 ‘Roads and Their Maintenance’ by Viator.

<sup>184</sup> *DT*, 10 May 1884 ‘Our Roads, Bridges, Telegraphs and Road Trusts’ by J. P.

<sup>185</sup> ‘Public Works: report of engineer in Chief’, *JPPP(Tas.)*, 1886, paper no. 66 p. 9.

<sup>186</sup> *ibid.*

<sup>187</sup> *ibid.*

Duffy's report was welcomed by the *Mercury*, which described the road trust system as 'rotten from top to bottom'.<sup>188</sup> Calling for the abolition of road trusts, the paper continued:

The truth is the whole system is bad, vicious and utterly unsuited to the wants of the country. It is an excellent method for providing for the muddling away of money. It is a shining example of how not-to-do it in local government, such as, we can safely say, is not to be found in any other colony, and which, probably, could not be matched in the whole world.<sup>189</sup>

Somewhat less extravagantly, the *Daily Telegraph* also suggested that something needed to be done 'to recover the trusts from the narrow groove into which they had fallen of late'.<sup>190</sup> It put the blame on the constant splitting of existing road trusts into smaller bodies. This led to cliques dominating their affairs, and consequently, the whole trust system losing 'the confidence of the people'.<sup>191</sup> The *Examiner* too, condemned the trust system. It proclaimed that

The existing condition of our road trust system shows palpably the absurdity of carrying even the best principles to extremes. Many of our road trusts at present represent self-government run mad. Local prejudices and personal motives – too often arising from self-interest – have caused small districts to secede from parent trusts till the colony is, generally speaking, a succession of petty bodies, insignificantly alike in object, influence and principle.<sup>192</sup>

The newspaper called for reform, especially the amalgamation of trusts into bigger units, to extinguish the 'local jealousies and divided interests' that had ruined the prevailing system.<sup>193</sup> The only paper against amalgamations was the *Devon Herald*, who thought it would only lead to the neglect of roads in sparsely-populated rural areas.<sup>194</sup> In

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<sup>188</sup> *Mercury*, 30 August 1886.

<sup>189</sup> *ibid.*

<sup>190</sup> *DT*, 11 September 1886.

<sup>191</sup> *ibid.*

<sup>192</sup> *Examiner*, 3 December 1886.

<sup>193</sup> *ibid.*

<sup>194</sup> *Devon Herald*, 20 October 1886.

parliament, the new Premier J. W. Agnew appointed a Select Committee in early September to examine the road trust system.<sup>195</sup>

The Committee met in late September and early October, and took evidence from civil servants, road trustees and interested landowners. Most of the civil servants and landowners favoured amalgamations of the smaller trusts. C. P. Sprent, the deputy surveyor-general, told the Committee that 'the objection to having small and poor districts is that their funds are too limited for anything but small repairs; their expenses are out of proportion to their expenditure; and they are apt to degenerate into mere family affairs'.<sup>196</sup> Duffy was more direct. His experience, he told the Committee, was that 'a number of small road districts is a source of corruption, and very great difficulty is experienced in getting right men to undertake the work. Now men enter the trusts for their own private ends, and when they have got the road wanted constructed, they retire from the trusts'.<sup>197</sup> John Henry, a prominent resident of the Don on the North West Coast, and a former chairman of the Don Road Trust, also considered that 'the districts are too small. The consequence is that, with the limited revenue at their disposal, they are unable to employ competent officers, and the work is thrown onto road trustees, who as a rule do not understand road making'.<sup>198</sup> On their part, the chairmen of a number of road trusts consulted by the Committee thought the system as a whole worked fine, although some minor modifications could be made. Opinions differed as to the amalgamations of smaller trusts. Most agreed with the idea in principle, but were wary of putting it into practice. The common fear was that the remote and outlying rural areas

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<sup>195</sup> *Mercury*, 8 September 1886.

<sup>196</sup> 'Road Trust System of the Colony: report of the select committee', *JPPP(Tas.)*, 1886, paper no. 160, evidence, p. 3.

<sup>197</sup> *ibid.*, p. 4.

<sup>198</sup> *ibid.*, p. 27.

would be neglected in larger road trusts, and so there would have to be some way of ensuring that trust funds were equitably distributed across the whole road district.<sup>199</sup>

The Committee report found that ‘many defects exist in the road trust system of the colony’.<sup>200</sup> Most arose from the general difficulties of maintaining roads in the hilly and timbered ‘forest fringes’ of the colony, and from the constant sub-division of road districts. ‘The result’, the Committee continued, ‘of sub-division and the establishment of small road trusts with inadequate revenues has proved to be generally unsatisfactory’.<sup>201</sup> The Committee also noted that there were still continuing problems with the election of road trustees and the administrative work of the boards. The Committee subsequently made numerous recommendations concerning the election of trustees. These mainly proposed a more rigorous process for their nomination and election. But it recommended that the parliamentary representative in the House of Assembly become *ex-officio* a member of all road trusts in his district, as well as suggesting the maximum number of votes under the franchise be reduced to five.<sup>202</sup>

On amalgamation, the Committee thought that, where the boundaries of a road district and a municipal district were coterminous, provision should be made that the municipal council could act as a road trust if the majority of landowners desired it. It also recommended that in the future no new road district be proclaimed with no less than £400 per annum from a rate of 1s, and, with the consent of ratepayers, amalgamations of smaller road trusts should take place to reach this minimum.<sup>203</sup> As with subsidies to road trusts, the Committee agreed with Duffy’s suggestion that no subsidy should be paid

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<sup>199</sup> *ibid.*, Report, p. iv.

<sup>200</sup> *ibid.*

<sup>201</sup> *ibid.*

<sup>202</sup> *ibid.*, p. iv-v

<sup>203</sup> *ibid.*, p. v.

unless road trusts had levied 1s in the pound. But they went a step further, recommending that a full subsidy of 1s for 1s be paid only to road trusts that continuously rated themselves at 1s, a subsidy of 9d when a 1s rate had been preceded by a lower one, and a subsidy of 6d for 1s when no rate had been levied in the preceding year.<sup>204</sup>

The aims of the Committee were clear. Boosting the revenues of the road trusts would enable them to appoint skilled engineers to supervise and improve the maintenance of cross and bye roads. Pressure therefore had to be put on road trusts to rate themselves regularly at 1s in the pound, whether by the threat of amalgamation or by withdrawing or reducing the annual grants-in-aid. As the Minister of Lands and Works, N. J. Brown, told parliament in tabling the Committee's report 'he concurred entirely in the recommendation to restrict the institution of road trusts to bodies that could ensure a fair working revenue, as everybody would know that, owing to circumstances, not always easily overcome, the size and means of some of the road districts were too small'.<sup>205</sup>

Acting on the Committee's recommendation on subsidies, William Moore put two resolutions to the Legislative Council in November. The first was that the government refuse to grant aid to those districts that for the previous two years had not levied 1s in the pound, Moore deeming it time that 'they should decline to vote public money for work, unless the people of the districts rated themselves'.<sup>206</sup> But the motion was narrowly defeated, members thinking it unfair on road trusts, who should be given some warning if a proposal to put conditions of this kind on aid was to be put in place.<sup>207</sup> Two weeks later Moore put another resolution, that 'in the opinion of this Council the further

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<sup>204</sup> *ibid.*

<sup>205</sup> *Mercury*, 4 December 1886.

<sup>206</sup> *Mercury*, 5 November 1886.

<sup>207</sup> *Mercury*, 5 November 1886; *JPPP(Tas.)*, 1886, 4 November 1886 p. 71.



continuance of the present system of granting indiscriminately sums of money for the construction and repair of roads in road and municipal districts, where little or no effort has been made by levying a rate or otherwise to obtain funds for that purpose, is in every way undesirable, as tending to paralyze local effort and to the subversion of some of the most cherished principles of representative government'.<sup>208</sup> Introducing the resolution, Moore again reiterated that 'people should be encouraged to be self-dependent, and road trusts should be made to levy rates for the maintenance of roads under their charge'.<sup>209</sup> This resolution, firm in principle but ambiguous in detail, was more favourable to the rest of the members of the Legislative Council and carried easily.<sup>210</sup>

In 1887, the Fysh ministry put a bill to parliament encompassing the rest of the Committee's recommendations. Nomination and election process for trustees was made more rigorous, and the maximum number of votes able to be exercised under plural voting capped at five. A new scale of voting was also proposed — £10 – £99 1 vote; £100 – £199 2 votes; £200 – £349 3 votes; £350 – £499 4 votes; £500 + 5 votes. No new road trusts were to be formed unless they were to have a minimum annual value of £8,000, and road trusts in municipal districts could be abolished by a majority of landowners and their duties handed to rural municipalities. However, no provision for compulsory amalgamation of trusts was included.<sup>211</sup> While the bill passed comfortably through the House of Assembly,<sup>212</sup> it met opposition in the upper chamber. Most members wanted a more stringent scale of voting and wanted seven votes to remain as

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<sup>208</sup> *JPPP(Tas.)*, 1886, 26 November 1886 p. 106.

<sup>209</sup> *Mercury*, 26 November 1886.

<sup>210</sup> *ibid.*

<sup>211</sup> *North West Post* (NWP), 26 July 1887.

<sup>212</sup> *Mercury*, 10 August 1887.

the maximum number of votes able to be exercised by the wealthy. Unable to reach agreement with the Assembly, Council blocked the bill.<sup>213</sup>

The only significant result of the 1886 Committee report was that it raised the issue of putting conditions on the aid to road trusts. Only one amalgamation took place after 1885, when the Wellington Hamlets Road Trust joined with the Leslie Road Trust to form the Wellesley Road Trust in 1888. New, relatively small, road trusts continued to be formed, albeit more slowly than previously. From ninety-one road trusts in 1886, the number increased to a hundred by 1890, a hundred and two by 1902, and reached a hundred and five by the end of the road trust system (see appendix II).<sup>214</sup>

This slow growth in the number of trusts was related to the push from 1886 by successive governments for greater local financial responsibility for roads to be borne by local bodies. The Fysh ministry began this process, announcing in 1889 that all existing main roads that ran parallel to a railway would now be designated cross roads and be the responsibility of road trusts.<sup>215</sup> Over 400 miles was immediately transferred to road trusts, and the total mileage of roads they looked after increased during the Fysh government period of office, from 4978 miles in 1889 to 5241 miles by 1892. With such a dramatic increase the issue of aid naturally arose. The government looked to reduce the total amount of aid given to the trusts, and so in 1889 proposed a new method for its distribution.<sup>216</sup> From 1890 no aid was to be granted to trusts that did not levy at least a 6d rate, and only an amount equal to the sum raised by local assessment would be handed to

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<sup>213</sup> *Mercury*, 21 September 1887.

<sup>214</sup> *Statistics of Tasmania*, 1886-1907.

<sup>215</sup> *Mercury*, 17 May 1889.

<sup>216</sup> *Mercury*, 8 November 1889, 22 November 1889.

other trusts.<sup>217</sup> Under the new arrangements, the Fysh ministry cut total grants-in-aid to road trusts from £19,913 (1888) to £13,318 (1889), £11,538 (1890), £12,201 (1891) and £11,942 by 1892.<sup>218</sup>

In 1893, the Dobson ministry, provoked by the declining economic fortunes of the colony and needing to slash public expenditure, put more stringent conditions on aid.<sup>219</sup> From 1894, road trusts that levied a rate of between 6d and 9d would receive a grant equal to half of the sum collected by local assessment, road trusts that levied between 9d and 1s would receive two-thirds of that amount collected by local rates, while those who levied the maximum rate of 1s would receive a sum equal to that raised by local assessment.<sup>220</sup> In 1894, the Braddon government made even harsher alterations. No subsidies would be paid to road trusts that had not submitted their books to the Colonial Auditor by March every year, and no aid would be given to road trusts that had not levied a 1s rate consecutively from 1889 to 1893. Even then, only half the amount of local assessment would be given.<sup>221</sup> In parliament, the Minister for Lands and Works, A. T. Pillinger, claimed that out of ninety-seven trusts, thirty-two would be eligible for aid. John Davies, member for Fingal, applauded the government move. The bill, he said, ‘was the beginning of the end of subsidies to road trusts, and perhaps it was a good thing, as it would teach the road trusts self-reliance’.<sup>222</sup> The amount of aid available to road trusts was reduced by some 44%.<sup>223</sup>

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<sup>217</sup> *Appropriation for Road Rates Act* 1889; see also *Mercury*, 13 March 1890.

<sup>218</sup> *Statistics of Tasmania*, 1889-1892.

<sup>219</sup> *Mercury*, 1 November 1893.

<sup>220</sup> *Aid to Road Rates Act* 1893.

<sup>221</sup> *Aid to Road Rates Act* 1894.

<sup>222</sup> *Mercury*, 26 July 1894.

<sup>223</sup> *Statistics of Tasmania*, 1895.

The cuts put considerable pressure on the system, particularly on small, poor, or remote rural road trusts. In the midst of a recession, they were responsible for more roads, with a diminishing revenue from rates. The stringent conditions put on receiving aid exacerbated their problems. In a time of such economic hardship, particularly for those on the land, road trustees were reluctant to impose a high rate of 9d or 1s on local property.<sup>224</sup> Even if the maximum rate was struck, there were no guarantees that the full amount of local rates could be collected, resulting in a reduced amount of aid anyhow.<sup>225</sup> As a consequence of diminishing revenues, road trusts became unable to maintain local roads around the colony. In 1886, responsible for 4348 miles of road, the trusts spent £7 per mile on maintenance; in 1891, responsible for 5139 miles of road, they spent around £6½ per mile; in 1894, responsible for 5658 miles of road, trusts spent just £3½ per mile.<sup>226</sup> Little wonder that a conference of road trusts convened at Franklin in September 1894 protested to the government that ‘the road board maintenance money is an amount totally insufficient to keep the roads in good repair’.<sup>227</sup>

In April 1896, representatives from the North Bridgewater Road Trust met with Pillinger to protest at the unjust terms trusts needed to comply with to receive aid. The Minister for Lands and Works was unsympathetic, telling the trustees that ‘the road trusts in future must rely upon their own efforts for the maintenance of the roads’.<sup>228</sup> In response, the road trusts organized two large conferences in Hobart and Launceston to demand more generous terms.<sup>229</sup> In Launceston, the conference debated vigorously a

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<sup>224</sup> In 1894, only 36 (out of 97) road trusts levied a rate of 1s, 23 did not levy any rate at all; in 1895 39 (out of 98) road trusts levied a rate of 1s, 12 did not levy a rate at all.

<sup>225</sup> *Mercury*, 9 August 1890.

<sup>226</sup> *Statistics of Tasmania*, 1886, 1891, 1894.

<sup>227</sup> *DT*, 12 September 1894.

<sup>228</sup> *Mercury*, 23 April 1896.

<sup>229</sup> *Mercury*, 5 June 1896, 11 July 1896.

motion calling for the earlier system of distribution, where aid was apportioned *pro-rata* among all road trusts that levied a rate of at least 6d in the pound. But members of parliament sympathetic to the financial constraints put on the government, J. H. McCall, member for Mersey, and Frank Archer, member for Selby, persuaded the conference to endorse an amendment in the existing legislation. The conference eventually called for a reduction in the period required to levy a 1s rate (in order to receive aid) from five years to three.<sup>230</sup> In Hobart, the conference was more aggressive. It unanimously passed a resolution that 'the present system was neither fair nor equitable, and that the subsidy should be distributed *pro-rata* among trusts which, in the preceding year, had levied a minimum rate of 6d in the pound in proportion to the amount of rate so levied by each trust'.<sup>231</sup> It also called for the five year 1s rate requirement for aid to be abolished, and demanded that the total amount of government subsidy be doubled to over £7,000.<sup>232</sup>

The resolutions of the conferences were put to parliament by Jonathon Best, convener of the Launceston conference and a member of the Deloraine Road Trust. He obtained a small concession from the Braddon government, with a bill passed reducing the period required by a road trust to levy a 1s rate to receive aid from five years to three.<sup>233</sup> Pillinger was forced to defend the government's tough stance on aid in parliament, claiming that it had the desired effect of forcing road trusts to regularly impose a rate, and that to relax the terms would see 'the spirit of self-reliance that had been instilled into these local bodies broken down'.<sup>234</sup>

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<sup>230</sup> *Mercury*, 11 August 1896.

<sup>231</sup> *Mercury*, 13 August 1896.

<sup>232</sup> *ibid.*

<sup>233</sup> *Aid to Road Rates Act* 1896.

<sup>234</sup> *Mercury*, 1 October 1896; see also *Mercury*, 14 August 1895.

But road trusts were not satisfied,<sup>235</sup> and another attempt was made in 1897 to secure better terms for the distribution of aid. With the economy improving, the government was more generous, and a new bill was passed. Overall, the terms were still stringent, and road trusts had to levy at least a 1s rate to receive aid. Pillinger told parliament that ‘the government has made provision to help those who help themselves, but certainly has no sympathy with those trusts who call loudest for assistance and exercise no local energy to assist themselves’.<sup>236</sup> The Act gave aid to road trusts that levied 1s for four preceding years a sum equal to 9d for every 1s of the amount collected by local rates; to trusts that levied 1s for three preceding years a sum equal to 6d for every 1s collected in local rates; and to road trusts that levied 1s for two preceding years a sum equal to 3d for every 1s collected in rates.<sup>237</sup>

These terms would remain in place till 1903 and resulted in a steady increase in the total aid given to the trusts, from £3,175 in 1897 to £5,044 in 1898, eventually reaching £7,149 by 1902.<sup>238</sup> But the total amount of aid never reached the level granted to trusts before the 1890s depression, and the government made it clear that the maintenance of roads was to come primarily out of local revenue.<sup>239</sup> This was further reiterated shortly after the Propsting government came to power in 1903. Citing the debts of the colony after Federation, the government passed a bill increasing the maximum rate from 1s to 1s 3d. It stipulated that aid would be given only to trusts that levied a rate above 1s, and it would only then match the excess sum that road trusts made above a 1s rate.<sup>240</sup> Because

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<sup>235</sup> AOT, Gould’s Country Road Trust: Minutes 1896-1907 (Ref: LA 22/1/1) 6 June 1896, 20 June 1896.

<sup>236</sup> *Mercury*, 5 November 1897.

<sup>237</sup> *Aid to Road Rates Act* 1897.

<sup>238</sup> *Statistics of Tasmania* 1897, 1898, 1902.

<sup>239</sup> *Mercury*, 26 July 1902, 7 August 1902.

<sup>240</sup> *Road Act* 1903.

only a handful of trusts came to levy themselves at 1s 3d,<sup>241</sup> aid to road trusts was effectively withdrawn.<sup>242</sup> The move was condemned at a conference of North West road trusts, which passed a motion warning of ‘the utter inability of the trusts to keep the roads in good order without the reinstatement of the subsidies’.<sup>243</sup>

The change could not have come at a worse time for the local bodies. Faced with the problem of roads suffering from years of neglect during the 1890s, further pressure was put on trusts by a current movement demanding better roads to encourage land settlement.<sup>244</sup> A far bigger concern was the gradual replacement of the horse and buggy era with mechanized transport, symbolized by the more frequent use of traction engines to cart timber and metal.<sup>245</sup> The damage done by over laden buggies with narrow wheels causing deep ruts in the middle of local roads had long been a headache for trustees.<sup>246</sup> The damage caused by traction engines was worse. Slow moving, they travelled on the edge of roads ruining drains and culverts as well as cutting up the surface.<sup>247</sup> Calls for road trusts to have the power to prohibit or regulate the use of traction engines had been made as early as 1897,<sup>248</sup> and the Lewis government moved on the matter in 1899.<sup>249</sup> A bill was passed allowing trustees to seek compensation from owners if they believed ‘extraordinary expenses’ had been incurred in fixing the damage caused by their traction

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<sup>241</sup> Ratepayers protest blocked a proposal from the Leven Road Trust to increase its rate to 1s 3d in 1904, see *NWP*, 21 May 1904, 24 May 1904, 26 May 1904.

<sup>242</sup> *North West Advocate* (NWA), 23 February 1904, 9 May 1904, 17 June 1904.

<sup>243</sup> *DT*, 11 September 1903.

<sup>244</sup> See *Mercury*, 5 October 1905, 2 May 1907; *Examiner*, 16 May 1907, 13 August 1907; *NWA*, 7 July 1900, 2 October 1900, 1 December 1905, 14 February 1906, 29 June 1906, 28 February 1907.

<sup>245</sup> See T. C. T. Cooley, *A History of Trains and Trams in Tasmania*, (Hobart 1987) pp. 93-100. Traction Engines were a early forerunner of the modern tractor.

<sup>246</sup> see *Devon Herald*, 6 April 1886 ‘Road Regulations’ by An Old Farmer and Trustee; *Zeehan and Dundas Herald*, 21 May 1895; [Tasman Peninsula Road Trust] *Mercury*, 3 February 1890, 25 February 1890.

<sup>247</sup> *Mercury*, 19 August 1901; *AOT*, Evandale Road Trust: Minutes 1892-1907 (Ref: LA 13/6/1-2) 6 June 1896, 3 February 1900, 3 March 1900, 5 May 1900, 7 July 1900, 7 June 1902.

<sup>248</sup> *Examiner*, 15 April 1897 ‘The Traction Engine Danger’ by Danger & An Old Driver.

<sup>249</sup> *Mercury*, 30 September 1899.

engines.<sup>250</sup> Following a conference of North East road trusts in 1901, the first attempt by trustees to seek compensation from owners was launched.<sup>251</sup> It was unsuccessful, and prompted another conference in 1902 where several road trusts urged the government for powers to regulate the weight, speed and use of traction engines, as well as improved means of seeking compensation.<sup>252</sup> Some trusts wanted them banned completely.<sup>253</sup> Although supported by the press,<sup>254</sup> the appeal fell on deaf ears, and until 1907 was enough pressure put on the Evans government to get a measure through parliament allowing greater regulation of the traction engines.<sup>255</sup>

By this time the new mechanical mode of transportation had exposed the weakness of an ailing road trust system. Already under considerable financial strain, road trusts could not cope with the expense incurred in repairing roads cut up by traction engines. Between 1902 and 1907 the total revenue of all road trusts came to around £30,000, which was spent on maintaining over 6600 miles of road. In contrast during the 1880s, when road trusts had been criticized for not doing enough to keep roads in good repair, the total revenue of all trusts had been closer to £40,000 and spent on just over 4500 miles of road. The government's insistence of greater financial responsibility for roads had revealed that the multitude of small road trusts simply did not have the resources to maintain roads in a new era.

This was admitted by Fincham in his annual report to parliament in 1905. 'The expenditure of public money on district roads has', he noted, 'been made without

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<sup>250</sup> *Road Act Amendment* 1899.

<sup>251</sup> *Examiner*, 24 July 1901, *DT*, 23 July 1901.

<sup>252</sup> *DT*, 22 September 1902.

<sup>253</sup> *Mercury*, 3 October 1902.

<sup>254</sup> *Examiner*, 10 September 1902.

<sup>255</sup> *Local Government Act (traction engines)* 1907.



reference to the ability of the local authorities to adequately maintain the works when constructed, and, no doubt, in some cases, it presses too heavily upon them'.<sup>256</sup> The failure of the trust system was noted as well in the press,<sup>257</sup> and complaints about the incompetent or corrupt behaviour of trustees were frequent.<sup>258</sup> The *Mercury* in 1903 remarked that the colony's roads 'are after a day's rain little else than a succession of pools of water or mud, and what was once a pride and boast has now become utterly our shame and disgrace'.<sup>259</sup> A correspondent to the *Advocate* added that the poor performance of the trusts 'lies like a nightmare on local progress, disheartens the stout heart of the intending settler, renders semi-bankrupt the pioneers of settlement, and worst of all — because the fault is directly theirs — allows our loan-constructed roads to get into a state of disrepair that in cases would bring a blush of shame to a road trust of savages in the Paleozoic age'.<sup>260</sup>

When confronted by traction engines, the first signs of a new era of mechanized transport, the initial reaction by some road trusts had been an attempt to prohibit their use. This was folly, as the *Examiner* had pointed out in respect to automobiles in 1900: while 'there is something incongruous in the appearance of these horseless vehicles transversing the streets...as in the case of the lady cyclist, it is simply a matter of custom,

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<sup>256</sup> 'Engineer-in-Chief and Secretary for Public Works: report 1904-05', *JPPP(Tas.)*, 1905, paper no. 11 p. 2.

<sup>257</sup> *NWP*, 21 March 1905; *Examiner*, 15 May 1905 'Our Road Trust Methods' by Alex Kidd.

<sup>258</sup> See [re: Tasman's Peninsula Road Trust] *Mercury*, 10 August 1898 'A Neglectful Road Trust' by Observer; 18 August 1898 'A Neglectful Road Trust' by A Settler; 6 April 1899 'Tasman's Peninsula Road Trust' by A Settler; 31 August 1899 'The Tasman's Peninsula Road Trust' by J. E. Richardson; 4 September 1899 'Tasman's Peninsula Road Trust' by Ratepayer; [re: Hamilton Road Trust] *Mercury*, 26 March 1885 'Road Work Near Hamilton' by Traveller; 5 October 1885; 16 October 1885 'Ouse Roads' by A Farmer; 5 January 1886; 9 March 1886; 6 July 1886 'The Hamilton Road Trust' by A Long Sufferer; 18 June 1896; 18 February 1898 'Hamilton-on-Clyde Road Trust' by John Paget; [re: Leven Road Trust] *NWP*, 6 November 1900, 20 November 1900; *NWA*, 6 November 1900, 7 November 1900, 4 December 1900.

<sup>259</sup> *Mercury*, 6 August 1903.

<sup>260</sup> *NWA*, 6 August 1903 'The Roads Problem' by Rus.

and in a few years we will pay no more attention to them than we do to a member of the fair sex on tyres'.<sup>261</sup> The *Mercury* also noted in 1907 that cars 'were being made lighter and more manageable every month...and they are clearly destined to play a most important part in the future'.<sup>262</sup> As others with more foresight pointed out, rather than banning traction engines, what was required was to build better quality roads to withstand their activity.<sup>263</sup>

The existing road trust system could not carry out this task. There were too many bodies with limited finances which meant that skilled engineers and modern equipment could not be employed to build the necessary roads. While some urged the government to undertake road maintenance,<sup>264</sup> the financial situation of the new state ruled out centralization. With debts and a reduced income, the government was looking to reduce its financial responsibility for roads, not increase it. By the time the Propsting ministry came to power the State government had relinquished control and reduced its spending on main roads, and had withdrawn aid and sought to increase the revenues of road trusts. The government had made its position abundantly clear — roads were the responsibility of local bodies.

The local bodies in charge of roads had been overwhelmed by the concerted policy of several governments' to introduce local financial responsibility for roads. Reform was needed. However, road trusts had been unwilling to amalgamate to form bigger units with improved resources. The only viable local authority left with the financial resources

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<sup>261</sup> *Examiner*, 15 November 1900.

<sup>262</sup> *Mercury*, 12 September 1907.

<sup>263</sup> *Examiner*, 9 July 1907 'Roads versus Rails' by Science Student; 26 July 1907 'Country Roads and Heavy Traffic' by A.S.A; 5 November 1907; *DT*, 10 July 1907 'A New Road Policy' by Science Student; *Mercury*, 12 September 1907.

<sup>264</sup> *Mercury*, 14 March 1904 'Road Trusts' by Landowner.

to maintain roads was the rural municipalities. Indeed, calls had been regularly made since the late 1880s for roads to be put in the hands of municipal councils.<sup>265</sup> The government had also made tentative approaches, such as in 1886, to encourage municipal councils to take responsibility for local roads. But municipal councils had always resisted such overtures, and were content to leave roads in the hands of the trusts as long as they existed. To get municipal councils to undertake maintenance on local roads, two major reforms were needed. Firstly, the existing road trust system would have to be abolished, and roads transferred to municipal councils. Secondly, municipal councils would have to be established throughout the state to encompass areas not covered by the existing nineteen rural municipalities. The principle of greater local financial responsibility for roads, originating in the early 1880s and eventually undermining the prevailing road trust system, was an impetus towards comprehensive municipal reform.

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<sup>265</sup> *DT*, 18 March 1887; *Mercury*, 4 November 1892 'Roads Expenditure' by Ignotus; *Examiner*, 19 October 1896 'Local Roads' by T. W. Monds; *NWA*, 29 August 1903 'The Roads Problem' by Rus.

## Chapter Five: The Rabbit Plagues and Codlin Moth: local boards and pest eradication 1871-1907

Despite being a tiny island relatively isolated in its part of the Southern hemisphere, Tasmania was not immune to the problem of pests in the nineteenth century. Whether they arrived accidentally or were consciously introduced, pests posed numerous problems for settlers struggling already with other difficulties of eking out a living on Tasmanian soil.<sup>1</sup> Usually attempts to control pests fell to voluntary organizations, such as horticultural and agricultural associations, who sought out solutions and advised those affected in what to do.<sup>2</sup> Occasionally a pest problem became so severe that government legislation was deemed necessary. This was the case with the rapid spread of the rabbit and codlin moth across the colony from the 1870s.

Rabbits first arrived in Australia aboard the ships of the first fleet in 1788.<sup>3</sup> Initially, they were either brought out from England by settlers for domestic use, or were turned loose by sailors, sealers and scientists on small islands along the eastern seaboard as a source of food.<sup>4</sup> However, the rise of acclimatisation societies in the 1850s and 1860s, with their desire to re-create the conditions of 'home' as much as possible, saw the dramatic increase in the importation of rabbits along with other animals as game for hunting purposes.<sup>5</sup> The source of the rabbit plague that eventually engulfed much of

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<sup>1</sup> See S. Petrow, 'Pests' in A. Alexander (ed.), *The Companion to Tasmanian History* (Hobart 2005) p. 270

<sup>2</sup> See D. Spennemann, 'Science and education: the beginnings of agricultural extension in 1890s New South Wales', *Rural Society*, v.10, no.2, 2000 pp. 175-193; M. White, 'Agricultural Societies in Colonial Western Australia 1831-70', *History of Education* 29(1) 2000 pp. 3-28.

<sup>3</sup> K. Williams, I. Parer, B. Coman, J. Burley, and M. Braysher (ed), *Managing Vertebrate Pests: rabbits* (Canberra 1995) p. 18.

<sup>4</sup> E. Rolls, *They All Ran Wild: the story of pests on the land in Australia*, (Sydney 1969) p. 8-9; 15-16

<sup>5</sup> E. Stoddart, and I. Parer, *Colonisation of Australia by the Rabbit, *Oryctolagus cuniculus**, (Melbourne 1988) p5; for more on acclimatization societies see L. R. Gillbank, 'The Acclimatisation Society of Victoria', *Victorian Historical Journal*, 51(4) 1980 pp. 255-270; R. Wright 'The Fight for Phillip Island 1861-1868', *Journal of Australian Studies*, 7 1980 pp. 25-32; L. R. Gillbank, 'The Origins of the

mainland Australia is usually attributed to two members of Victoria's acclimatisation movement of the 1850s — Edward Wilson and Thomas Austin.<sup>6</sup> The latter either released or let escape a small number of rabbits on his property near Geelong in 1859, and within the decade the animal roamed over most of Victoria.<sup>7</sup> From Victoria the pest gradually spread across the rest of the mainland, into South Australia in the 1870s; New South Wales, Southern Queensland and Eastern Western Australia in the 1880s and 1890s; and most of Queensland and Western Australia by around 1900.<sup>8</sup>

Stoddart and Parer suggest that there were many factors that aided the spread of the rabbit across the country. These included a climate favourable to the pest, sandy soils easily converted into warrens, widespread tree felling that provided abundant shelter, a lack of native predators, large sheep runs whose grasses provided ample food, and large spaces that encouraged reproduction and dispersion.<sup>9</sup> Efforts to control the pest were also 'ineffective due to lack of effective control techniques and adequate resources'.<sup>10</sup> During the 1860s and 1870s methods to defeat the rabbit included mainly shooting, trapping and the use of poison — particularly strychnine. From the 1880s onwards wire netting and rabbit-proof fencing were encouraged, with small plots of land fenced in and burrows dug out, or large-scale fences built across Queensland and Western Australia to keep the great wave of rabbits at bay.<sup>11</sup> Such techniques often had small and limited success. Attempts,

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Acclimatisation Society of Victoria: Practical Science in the Wake of the Gold Rush', *Historical Records of Australian Science*, 6(3) 1986 pp. 359-374; P. MacInnis 'When Learned Men Schemed to Create a Land of Alien Species – the Acclimatisation Societies of the Late 19<sup>th</sup> Century', *Australasia's Geographical Magazine*, 18(3) 1996 pp. 68-74 .

<sup>6</sup> Stoddart, *Colonisation of Australia by the Rabbit*, p. 5.

<sup>7</sup> Williams, *Managing Vertebrate Pests: Rabbits*, p. 19.

<sup>8</sup> Stoddart, *Colonisation of Australia by the Rabbit*, p. 14 .

<sup>9</sup> *ibid.*, p. 16.

<sup>10</sup> *ibid.*

<sup>11</sup> See G. C. Bolton, *Spoils and Spoilers: a history of Australians shaping their environment*, (North Sydney 1992) pp. 89-92.

too, were made to exploit the rapidly growing number of rabbits, and industries were created in Victoria and elsewhere manufacturing rabbit-skins and felt hats as well as shipping tinned rabbit meat to Britain.<sup>12</sup>

While the rabbit devastated the pastoral lands of the country, the codlin moth or *Carpocapsa Pomonella*<sup>13</sup> attacked the orchards of fruitgrowers. Approximately 3/8 inch in length, the codlin moth is coloured brown with its wings a murky grey with dark blotches of purple. Around sunset, the moth hovers around young apples and lays its eggs, and from these eggs hatch little grubs. Each grub grafts a hole in the rind of the apple, buries itself into the fruit, and eventually eats its way through to the core and pips. Tiny brown marks on the surface of the apple are the only evidence that the grub leaves. Once the grub has eaten the pips, the apple falls from the tree onto the ground. The grub then escapes from the apple, wanders along the ground until it finds the stem of an apple tree, crawls up the stem, and buries itself into the bark. Here it spins a cocoon and enters chrysalis, then to emerge as a moth and begin the cycle again.<sup>14</sup> The moth not only ruins apples, but other stone fruits such as pears and plums, and was a formidable enemy to fruit-growers across the country.

The purpose of this chapter is to examine how Tasmanian settlers dealt with the sharp increase of numbers of the rabbit and codlin moth in the latter half of the nineteenth century. To date, little research exists on the subject, and what does exist gives little

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<sup>12</sup> See Rolls, *They All Ran Wild*, Chapter. 4.

<sup>13</sup> Sometimes known as the Codling Moth, due to its penchant for attacking the codling apple.

<sup>14</sup> 'The Codlin Moth: report of select committee', *Tasmanian House of Assembly Journals*, 1878, paper no. 141 Appendix G; see also *Examiner* 8 May 1886; 31 December 1887; *Daily Telegraph* (DT) 5 June 1891; 7 May 1892; *The Colonist* (Col). 20 April 1889; *North West Post* (NWP) 22 August 1891; 28 September 1893.

attention to the local boards established to deal with the pests.<sup>15</sup> The chapter will argue that the permissive system of local government failed to deal with the pest problem the colony faced. Although the actual method of containing each of the pests was different, the process and outcomes of the effort successfully to administer pest control legislation passed by parliament was remarkably similar.

In both cases, various approaches were tried in organizing and executing regulations passed by parliament aimed at effectively reducing the pests. A system of elective local boards was introduced in the early 1870s with the responsibility of carrying out the destruction of rabbits. After some useful early endeavour, by the end of the decade the work of these boards had soon been undermined by inadequate funds, apathetic landowners, and a sharp increase in the rabbit population. In response, the Giblin government in 1882 put responsibility for dealing with the pest in the hands of a government department. But the more centralized system also failed to bring about a diminution in rabbit numbers, due in part to a lack of suitable inspectors.

In 1884 the Giblin government also introduced a centralized scheme to curb the increasing numbers of the codlin moth plaguing orchards around the colony. Unpopular with fruit-growers, the scheme was not successful and was soon abandoned. After centralization had failed, desirous of reducing the financial burden of the government in combating the pests, the Fysh ministry reintroduced elective rabbit and codlin moth boards in 1887. The new system failed expectations. While the rabbit boards were

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<sup>15</sup> See R. L. Wettenhall, *A Guide to Tasmanian Government Administration* (Hobart 1968) p. 190, 313-14; Alexander, *The Companion to Tasmanian History*, p21; A. McConnell and N. Stewart, *The History and Heritage of the Tasmanian Apple Industry*, (Launceston 1999) pp. 49-50; S. Breen, *Contested Places: Tasmania's northern districts from ancient times to 1900*, (Hobart 2001) pp. 137-142; G. Cooley, 'This General Enemy: the fight against rabbits in Tasmania, 1871-1910', (BA Hons Thesis, University of Tasmania 2005).

disbanded after a few years, the codlin moth boards continued to operate until 1907 amidst allegations of corruption and mismanagement by board members, apathy from fruitgrowers, and strained relations with the Chief Inspector of Stock Thomas Tabart.

With the numbers of rabbits and codlin moth increasing, threatening the colony's important sheep and fruit industries, the search for an effective means of administering pest control occupied the government, farmers and orchardists in the early 1890s. Eventually, municipal councils assumed responsibility for defeating the pests. However, due to the rabbit and codlin moth pests spreading across much of the island by the early 1900s, and rural municipalities' occupying only a portion of the state, truly effective control required comprehensive municipal government. The pest problem therefore exposed the limitations of the existing system of local government, and was another impetus towards its reform.

### *Rabbit Destruction in Tasmania 1871-1907*

Rabbits were first reported in Tasmania from the early 1820s,<sup>16</sup> the *Colonial Times* observing in May 1827 that they numbered in the thousands on some large estates.<sup>17</sup> Rolls notes that, unlike on the mainland, the spread of rabbits in Tasmania was slow, due in part to the harsher climate.<sup>18</sup> They only seem to have become a problem in the colony from the late 1860s, when petitions alerted parliament to a sharp increase in their

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<sup>16</sup> Rolls, *They All Ran Wild*, p. 12.

<sup>17</sup> *Colonial Times*, 11 May 1827.

<sup>18</sup> Rolls, *They All Ran Wild*, p. 13.



numbers.<sup>19</sup> Farmers took to shooting and using poison — mainly oats laced with strychnine — in an effort to kill them, one farmer recorded poisoning some 30,000 rabbits in just over three months.<sup>20</sup>

With the number of rabbits increasing and starting to spread across the midlands, agriculturists began to get worried. Some blamed the use of poison for the increase in numbers, alleging that it inadvertently killed native animals who were enemies of the rabbit.<sup>21</sup> Others blamed large landowners, believing that large tracts of grazing land was the ideal environment for the spread of the pest, and advocated splitting the runs of the ‘wool kings’ into small farms as the best means of defeating the animal.<sup>22</sup> In 1871 public meetings were held in Oatlands<sup>23</sup> and Campbell Town to discuss the issue, the latter calling for the government to require all landholders to destroy rabbits on their property.<sup>24</sup> The proposal was welcomed by many, one correspondent to the *Mercury* noting rabbits had become so prevalent ‘that many valuable estates have thereby been rendered useless, and unless something is done, and very shortly, the pasture lands of the colony will be so overrun by the rabbits as to drive the stock clean off, and to grow cereals will have to be recorded among the things of the past’.<sup>25</sup>

The government of J. M. Wilson responded with a bill put to parliament in December 1871, modelled on existing legislation governing roads in the colony. Attorney-General

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<sup>19</sup> ‘Petition from 31 landholders of Campbell Town and Ross in reference to the increase of rabbits’, *Tasmanian Legislative Council Journals*, 1869 (1) p. 25.

<sup>20</sup> *Examiner*, 28 September 1871.

<sup>21</sup> *Mercury*, 9 March 1871 ‘Rabbits and Their Cause’ by Mount Wellington; 15 March 1871 ‘Native Cat vs The Rabbit’ by Early Colonist.

<sup>22</sup> *Mercury* 29 March 1871 ‘The Rabbit Plague’ by The Ghost At Lowes Park; 1 April 1871 ‘Poisoning Rabbits’ by Mus.

<sup>23</sup> *Mercury*, 4 April 1871.

<sup>24</sup> *Examiner*, 26 August 1871; see also petition to Colonial Secretary, 31 May 1871, *Archives Office of Tasmania* (AOT) Colonial Secretary Department: General Correspondence Files: Rabbit Destruction (Ref: CSD 7/46 file no. 889).

<sup>25</sup> *Mercury*, 15 November 1871 ‘The Rabbit Nuisance’ by John Wilson .

W. R. Giblin told the House of Assembly that the bill was of a permissive character, leaving the precise mode of eradicating rabbits to the discretion of each district.<sup>26</sup> Passed without much comment, the bill became the *Rabbit Destruction Act* 1871. It empowered the government, upon receiving a petition from 20 local landholders, to proclaim rabbit districts around the colony. Each district was to be governed by an elected board of either three or five trustees, who were to ‘do all such acts and things as may appear to them proper or necessary to be done to ensure the destruction of rabbits in the district’. The trustees were elected by a system of plural voting, thereby favouring the large landowners at the expense of their poorer neighbours.<sup>27</sup> The trustees were to strike annually a rabbit rate, and to either pay inspectors to travel around the district issuing notices to destroy rabbits, or offer a reward or incentive to landholders for the same purpose. The Act was given an initial two year trial period, thereafter requiring the consent of parliament to continue.<sup>28</sup>

Boards were only formed in three districts — Hamilton, Oatlands (1872) and Campbell Town (1874) — and seem to have had a mixed record of achievement. When it came time to renew the Act in 1874 residents of Campbell Town argued for its continuation, believing their board had worked ‘successfully and satisfactorily’.<sup>29</sup> Some Hamilton residents also praised the work of their board, claiming in two years it had been responsible for the eradication of over 220,000 rabbits.<sup>30</sup> Other Hamilton residents, however, told the government not to renew the Act, stating they had been unable to see

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<sup>26</sup> *Mercury*, 8 December 1871.

<sup>27</sup> Scale £5 - £39 1 vote; £40 - £79 2 votes; £80 - £119 3 votes; £120 - £159 4 votes; £160 - £199 5 votes; £200 - £239 6 votes; £240 - £279 7 votes; £280 - £319 8 votes; £320 - £359 9 votes; £360+ 10 votes.

<sup>28</sup> See *Rabbit Destruction Act* 1871.

<sup>29</sup> ‘Rabbit Destruction Act: petitions for renewal and amendment’, *Tasmanian Legislative Council Journals*, 1874, paper no. 59 p. 1.

<sup>30</sup> *ibid.*

‘the beneficial effects contemplated by its promoters’.<sup>31</sup> A correspondent to the *Mercury* also claimed the Act was used by wealthy farmers to obtain funds to clear only their farms.<sup>32</sup> The government, now under the control of Alfred Kennerley, shrugged off such criticism and extended the life of the Act for a further three years.<sup>33</sup> To encourage more boards, the government reduced the number of petitioners needed to request action, from twenty to ten.<sup>34</sup>

This resulted in the Oatlands rabbit board splitting into two separate boards in 1875, and the formation of new boards at Ross and in the South Esk. Two other boards were formed in early 1877 in the West Tamar and Mersey districts.<sup>35</sup> Initially, the new boards were extremely active in raising and expending a considerable amount of revenue — especially the boards located at Campbell Town, North Oatlands and Ross. The boards either paid a set price for rabbit skins delivered to them directly from landowners, or employed contractors to head out and kill rabbits on their behalf. It was due to this endeavour that the board system was extended indefinitely after 1877.<sup>36</sup> However, from this year the boards faltered, some like Hamilton and South Oatlands falling into inactivity, other boards struggling financially. From about 1880 most of the boards seemed disinclined to levy a rate. Commenting on the board system, the *Mercury* remarked it had been let down by the ‘apathy of the people and the fecundity of the rabbit’.<sup>37</sup>

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<sup>31</sup> ‘Rabbit Destruction Act: petition from Hamilton against continuation’, *Tasmanian Legislative Council Journals*, 1874, paper no. 39 p. 1.

<sup>32</sup> *Mercury*, 17 August 1874 ‘Discontinuance of Rabbit Act’ by Another Landholder.

<sup>33</sup> *Mercury*, 3 September 1874.

<sup>34</sup> See *Rabbit Destruction Act Amendment* 1874.

<sup>35</sup> See AOT, Colonial Secretary Department: General Correspondence Files: Rabbit Destruction Act (Ref: CSD 7/46 file no. 889; CSD 10/4 file no. 67).

<sup>36</sup> See *Rabbit Destruction Act Amendment* 1877.

<sup>37</sup> *Mercury*, 2 October 1879.

With the number of rabbits increasing,<sup>38</sup> the failure of the board system prompted serious discussion over reducing the pest, and the appropriate role of government in this activity.<sup>39</sup> Two broad groups emerged. The first group argued that attempting to legislate for the eradication of all rabbits in the colony was futile, and instead their numbers could be better reduced by market forces.<sup>40</sup> Merchants should be encouraged to establish an export trade in rabbit skins and preserved meat to Victoria and Britain.<sup>41</sup> Trapping was favoured as the means of capturing the animal because poison and shooting would reduce the quality of skin and meat obtained.<sup>42</sup> Proponents of this scheme envisaged that landholders would pay men to trap the animal, and then sell the carcasses to merchants or factories in Hobart. The rabbit would thus be turned from a pest into a resource in a potentially lucrative industry, creating wealth for the labouring man, landholder, merchant classes and the colony as a whole.<sup>43</sup>

Critics pointed to flaws in the free market approach. A rabbit 'industry' required perpetual raw materials, and the more lucrative and profitable the industry became the more rabbits it would require.<sup>44</sup> Rather than the market leading to the wholesale slaughter of the pest in the search for quick money as its supporters assumed, it would encourage the rabbit population to be managed for the good of the industry. Critics also argued that trappers would not kill the less profitable young rabbits and would only operate in winter — when the fur of the rabbit was at its thickest and therefore most

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<sup>38</sup> See *Mercury*, 30 September 1878 'Rabbits' by W. B.

<sup>39</sup> See AOT, Colonial Secretary Department: General Correspondence Files: Rabbit Preserving Industry (Ref: CSD 13\44 file no. 641).

<sup>40</sup> *Mercury*, 8 October 1879 'The Rabbit Plague' by J. W.; 21 April 1882 'The Rabbit Pest' by Tenant.

<sup>41</sup> *Mercury*, 3 May 1876 'Rabbits' by L. S. D.

<sup>42</sup> *Mercury*, 9 August 1881 'Rabbits' by F. A.; 'Rabbits' by Fed. Wright; *Examiner*, 29 May 1886 'The Rabbit Question' by A Midlander; 23 October 1886 'Destruction of Rabbits' by Clement Byard.

<sup>43</sup> See *Mercury*, 7 June 1882 'Rabbits' by Rabbitarian.

<sup>44</sup> *Mercury*, 18 June 1886 'The Rabbit Question' by Saltbush.

valuable — rather than in spring and summer, when the animal bred and did considerable damage to the land.<sup>45</sup> They were also against the practice of trapping, believing it to be unnecessarily cruel and corrupting of those who engaged in it. One correspondent told the *Mercury* trapping led to the ‘utter destruction to habits of steady and honest labour’.<sup>46</sup> Another stated that it ‘takes away the young and rising generation from school, leads them into careless and indolent habits of living, and is altogether most demoralizing, tending to bad habits and eventually leading many a boy to prison’.<sup>47</sup> The *Examiner* was also told trapping made boys ‘cruel and inhuman’.<sup>48</sup>

Instead of letting the market rule, the devastation caused by the rabbit required legislation of some sort. Though there was disagreement over whether action should be permissive or compulsory, conducted through a government department or by local boards, those against the market system were united by one aim — the eradication of the rabbit from Tasmania.<sup>49</sup> The most effective means of achieving this was poisoned bait — usually oats or wheat<sup>50</sup> — but occasionally gas was pumped into burrows.<sup>51</sup> From the late 1880s grain was complemented by the use of rabbit proof fences whereby small parcels of land were fenced in, burrows dug up, and grain laid to kill any remaining rabbits.<sup>52</sup> This method was reasonably effective in parts of the Midlands,<sup>53</sup> although

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<sup>45</sup> *Mercury*, 1 September 1885.

<sup>46</sup> *Mercury*, 26 October 1882 ‘Rabbit Destruction’ by The Midland Medium.

<sup>47</sup> *Mercury*, 7 April 1886 ‘The Rabbit Question’ by H. E. Headlam.

<sup>48</sup> *Examiner*, 29 June 1899 ‘The Rabbit Pest’ by J. M. Roberts.

<sup>49</sup> *Examiner*, 1 September 1883.

<sup>50</sup> *Mercury*, 5 June 1877 ‘To Get Rid of Rabbits’ by James Wilson; 5 September 1881 ‘Phosphorised Oats for Rabbits’ by John Meredith; 8 March 1882 ‘Rabbit Plague’ by Maurice Weston; 26 March 1883 ‘Phosphorised Oats and the Rabbits’ by Wilson Brown.

<sup>51</sup> *Examiner*, 22 August 1885.

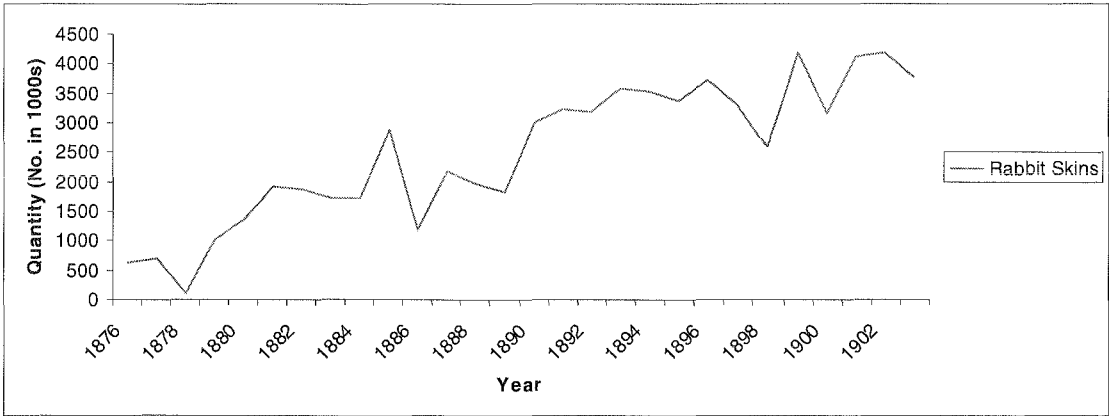
<sup>52</sup> *Mercury*, 12 April 1886; 27 May 1886 ‘The Rabbits’ by MSM; 15 June 1886, *DT*, 25 May 1886.

<sup>53</sup> *Examiner*, 15 March 1890; 5 April 1893 ‘The Rabbit Question’ by Observer; 1 May 1893 ‘The Rabbit Pest’ by Selector.

there was considerable doubt whether it would work as well in rockier and heavily timbered parts of the colony.<sup>54</sup>

Both schemes co-existed rather uneasily to 1907, given the enormous number of rabbits in the colony. The export of rabbit skins flourished from the early 1880s, with most of the skins exported to Victoria, a smaller number to New South Wales after 1890, and an ever increasing number to Great Britain after 1900:

**Graph 5.1: Rabbit Skins – Exported Quantities 1876-1903**



(source: Tasmanian Statistics, 1877-1904)

The growth of the rabbit export industry was welcomed by the press in the colony. In 1897 the *Mercury* remarked that the market in Europe for rabbit skins and meat was ‘practically unlimited’ and the industry would be a boon for many in rural districts.<sup>55</sup> The *Daily Telegraph* also noted that ‘from an unmitigated evil, the much cursed bunny is in

<sup>54</sup> *Mercury*, 19 June 1893 ‘The Rabbit Plague’ by John Ralston.

<sup>55</sup> *Mercury*, 7 April 1897.

many parts now looked upon as a blessing in disguise, providing as it does highly remunerative employment for many people'.<sup>56</sup>

However, the spread and destruction of pastoral lands caused by the rabbits, and the adverse effect this had on the important wool industry of the colony, necessitated government action on the matter. After the failure of the rabbit boards created in the 1870s to curb the spread of the pest,<sup>57</sup> some farmers advocated a more centralized scheme, whereby a government department would oversee the destruction of rabbits by landowners.<sup>58</sup> After a select committee looked into the proposal, a new rabbit destruction bill was drafted and passed by parliament in November 1882.<sup>59</sup>

The *Rabbit Destruction Act* 1882 empowered the government to divide the colony into 'clean' and 'infested' districts, and enabled the chief inspector to take 'such measures as he deems necessary to ensure the destruction within any infested district of all rabbits'.<sup>60</sup> The Chief Inspector was to appoint sub-inspectors to tour infested areas and give landowners four months notice to clear their property of all rabbits. Failure to comply with an inspector's order would see the landowner fined, and liable to pay the cost of the inspector clearing his land of the pest on his behalf. The Act was given an initial trial period of one year, this was later extended for a further two years in 1883, and indefinitely from 1884.<sup>61</sup> The Act was amended in 1883 giving landowners only one month's notice to destroy all rabbits on his property, enabling inspectors to order

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<sup>56</sup> *DT*, 1 June 1904.

<sup>57</sup> *Mercury*, 25 April 1882 'The Rabbit Plague' by The Common Weal.

<sup>58</sup> *Mercury*, 24 September 1879 'The Rabbit Plague' by Sheep Farmer; *Examiner*, 4 May 1882 'The Rabbit Plague' by Observer; *Mercury*, 4 Oct. 1879 'Rabbits – Extermination or Ruin' by Rambler; 8 Oct. 1879 'The Rabbit Plague' by Sheep Farmer.

<sup>59</sup> See 'Rabbit Destruction Bill, no 24: report from select committee', *Tasmanian House of Assembly Journals*, 1882, paper no 107.

<sup>60</sup> *Rabbit Destruction Act* 1882, sec. 5.

<sup>61</sup> See *Rabbit Destruction Act Amendment* 1884.

landowners to lay poison where they saw fit, and prohibiting trapping where poison bait had been laid.<sup>62</sup>

In 1884 the Minister of Lands and Works Nicholas John Brown claimed in parliament the Act had been 'beneficial at all events in reducing the number of rabbits'.<sup>63</sup> In the first six months of 1883, 1.5 million rabbits had reportedly been killed.<sup>64</sup> In his annual reports, however, the Chief Inspector T. A. Tabart noted that some farmers had gone out of their way to obstruct inspectors,<sup>65</sup> and there had been a 'rapid increase' in the pest during the past few years.<sup>66</sup> Public opinion criticized the department.<sup>67</sup> Supporters of the new centralized scheme complained that the Act had not been enforced strictly enough by the Chief Inspector,<sup>68</sup> more inspectors were needed,<sup>69</sup> and magistrates had been too lenient in their punishment on those farmers who ignored the instructions of inspectors.<sup>70</sup>

In 1886 the Southern Pastoral and Agricultural Society announced that it planned to hold a meeting in Hobart to discuss the rabbit problem and suggest amendments to the Act.<sup>71</sup> A series of preliminary meetings were held around the colony at Oatlands, Bothwell, Macquarie Plains, Ross and Campbell Town to gather the views of farmers.<sup>72</sup> There was much discussion and disagreement about the best means of curbing the pest, but all endorsed the view that it was best done through the supervision of the government

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<sup>62</sup> *Rabbit Destruction Act Amendment* 1883.

<sup>63</sup> *Mercury*, 4 September 1884.

<sup>64</sup> Report of Chief Inspector 1883, AOT, Colonial Secretary Department: General Correspondence Files: Rabbit Destruction (Ref: CSD 13\57 file no. 930) p. 6.

<sup>65</sup> 'Rabbit Destruction Act: report by Chief Inspector', *Tasmania: Journal and Printed Papers of Parliament JPPP(Tas.)*, 1886, paper no. 45 p. 3.

<sup>66</sup> 'Rabbit Destruction Act: report by Chief Inspector', *JPPP(Tas.)* 1887, paper no. 38 p. 3.

<sup>67</sup> see *Mercury*, 28 August 1884 'What is the Rabbit Plague' by MSM.

<sup>68</sup> *Mercury*, 6 July 1883 'The Rabbit Nuisance' by Landholder; 11 March 1886 'The Rabbit Act' by Disgust.

<sup>69</sup> *Mercury* 12 September 1883 'The Rabbit Destruction Act' by Maurice Weston; 1 March 1884 'The Rabbit Plague' by Southerner; 15 March 1884 'The Rabbits' by One Interested.

<sup>70</sup> *Mercury*, 23 March 1886 'The Rabbit Act' by Bunny.

<sup>71</sup> *Mercury*, 5 May 1886.

<sup>72</sup> *Examiner*, 14 May 1886; 19 May 1886; *Mercury*, 17 May 1886; 19 May 1886.



department. The main meeting in Hobart therefore passed a resolution calling for consolidation of the 1882 Act,<sup>73</sup> and suggested that government declare the whole colony infested, increase the number and power of inspectors, ensure that the Act was more stringently enforced, and impose the cost of rabbit destruction on general revenue.<sup>74</sup>

A bill containing most of these provisions was submitted to parliament by the Agnew government. While both chambers sympathized with the need for an improved effort, some members objected to the proposal to defray the cost from the general revenue.<sup>75</sup> The most vocal of these critics in the Assembly, Edward Braddon, called instead for financial responsibility to be put on the landowners in infested districts.<sup>76</sup> This was the view also of many in the Legislative Council, the member for Russell, William Moore, remarking that 'these sorts of matters should be managed by local government'.<sup>77</sup> The bill was eventually rejected in the upper chamber.

The Agnew government fell in March 1887, replaced by a ministry led by Phillip Fysh with Braddon Minister for Lands and Works. Braddon introduced a new bill in November 1887. He told parliament the new system of rabbit eradication would be simple, inexpensive, and promote 'local self-government'.<sup>78</sup> Central to the new plan was the re-introduction of local elective boards, which would be responsible for destroying rabbits in their area. Though Braddon claimed that his bill had popular support among farmers in the colony, a skeptical Assembly thought otherwise.<sup>79</sup> The need for some

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<sup>73</sup> *Mercury*, 21 May 1886.

<sup>74</sup> *Mercury*, 2 June 1886.

<sup>75</sup> See *Mercury*, 23 October 1886, 28 October 1886.

<sup>76</sup> *Mercury*, 20 October 1886.

<sup>77</sup> *Mercury*, 4 November 1886.

<sup>78</sup> *Mercury*, 24 November 1887.

<sup>79</sup> *ibid.*

measure to combat the pest outweighed these misgivings, however, and the bill passed smoothly through parliament.<sup>80</sup>

The new Act was similar in many ways to the old Act, except that the government was to proclaim rabbit districts throughout the colony each to be governed by a board of seven members elected by landholders in the district. The board members were either to appoint inspectors to supervise the destruction of rabbits or take on the job themselves. Funds for the board were to come primarily from an annual levy struck on the amount of sheep, cattle and horses in the district. Although twenty-three rabbit districts were proclaimed across the colony, only thirteen rabbit boards were formed in 1888,<sup>81</sup> and a further three the following year.<sup>82</sup>

While there was support for the new boards in some quarters,<sup>83</sup> the majority of landholders around the colony were against the Act.<sup>84</sup> By August 1889 Braddon defended the boards from criticism in parliament, admitting that, while in some districts the provision of the Act had been carried out satisfactorily, other districts 'had really set themselves against it'.<sup>85</sup> The *Mercury* agreed, stating that farmers and landholders in some districts thought the Act 'by no means satisfactory, being in some respects practically unworkable'.<sup>86</sup> Criticism of the boards centered on the trustees. It was alleged that large landholders sought election on the boards in order to avoid taking

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<sup>80</sup> See *Rabbit Destruction Act* 1887.

<sup>81</sup> In Cambridge, Campbell Town, Cressy, Cumberland, Evandale, Fingal, Franklin, Longford, Oatlands, Richmond, Sorell, Westbury and West Devon.

<sup>82</sup> In Brighton, Deloraine and Hamilton.

<sup>83</sup> *Mercury*, 12 October 1889 'The Destruction of Rabbits' by Jonathon Best; 22 August 1889 'The Rabbit Destruction Act' by A Member of a Board.

<sup>84</sup> see *Mercury*, 17 December 1888 'The Rabbit Question' by Anti-Rabbit; 5 January 1889 'Rabbit Boards' by Joesph Barwick; 8 July 1891 'The Rabbit Act' by Thos Riggall, 29 July 1891 'The Rabbit Problem' by Palington; 28 September 1891 'The Rabbit Destruction Act' by Midland; 5 October 1891 'The Rabbit Destruction Act' by W. M. Ferrar.

<sup>85</sup> *Mercury*, 16 August 1889.

<sup>86</sup> *Mercury*, 17 August 1889.

measures to destroy rabbits on their land.<sup>87</sup> These trustees would either appoint family or friends as inspectors, or have family members as local magistrates, enabling them to escape prosecution.<sup>88</sup> The Act was thus undermined by the very people meant to enforce it. A correspondent to the *Examiner* remarked that ‘the administration of the Act is beset with difficulties. Some of the most influential members of the community are the law breakers...it has been demonstrated beyond all doubt that locally controlled officials cannot enforce an Act against the great ones of the district’.<sup>89</sup>

In his report on the local boards, Chief Inspector Tabart stated that they had been an ‘undoubted failure’.<sup>90</sup> While in some districts effective, in others the boards had done ‘little or nothing’.<sup>91</sup> This Tabart put down to the problem of finding suitable inspectors, persons who would carry out the law without ‘fear, favour or affection’.<sup>92</sup> Too often trustees on the boards had compromised the independence of the inspectors, Tabart noting that ‘outside pressure’ and not the pest itself frequently determined the work of the inspectors. He concluded that the board system had resulted in ‘the undoubted increase and extension of rabbits into country where four years since no signs existed, and which will require time and expense to reduce’.<sup>93</sup>

The failure of the board system had seen desperate farmers entertain other proposals for rabbit destruction during the late 1880s. They ranged from mild suggestions —

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<sup>87</sup> *Mercury*, 1 February 1889 ‘Rabbit Boards’ by Anti-Rabbit; 7 January 1892 ‘The Rabbit Act’ by Sufferer, 14 January 1892 ‘The Rabbit Question’ by Small holder.

<sup>88</sup> *Mercury*, 2 August 1889 ‘The Rabbit Destruction Act’ by Fair Play.

<sup>89</sup> *Examiner*, 3 November 1892 ‘The Rabbit Act’ by Phosphorus.

<sup>90</sup> ‘The Rabbit Destruction Act: report of Chief Inspector’, *JPPP(Tas.)* 1890, paper no. 67 p. 3.

<sup>91</sup> *ibid.*

<sup>92</sup> *ibid.*

<sup>93</sup> *ibid.*

poisoned apples,<sup>94</sup> introducing the mongoose,<sup>95</sup> shooting only females,<sup>96</sup> using the McRae rabbit exterminator<sup>97</sup> — to the more extreme, such as introducing large numbers of Chinese men to kill them,<sup>98</sup> holding a public day of prayer asking for divine intervention,<sup>99</sup> and abandonment of the colony until the rabbit starved itself into extinction.<sup>100</sup> The 1880s also saw a proposal to inoculate the rabbit population with either tuberculosis<sup>101</sup> or a form of chicken cholera,<sup>102</sup> but, due to the risk of contaminating other animals, it was eventually rejected by the government.<sup>103</sup>

While the export trade in rabbit skins was steadily expanding, legislation had so far proved ineffective in reducing the pest. Decentralization had been tried twice and failed both times. Where in the 1870s boards had been undone by a combination of apathy and poor finances, in the late 1880s they had been imposed on unwilling landholders, who favoured a more centralized system of rabbit destruction. However, centralization had been undermined by the reluctance of the colonial government to pay for a large staff of inspectors and its desire for local landholders to shoulder much of the financial burden for eradicating the pest. Despite pleas by 1891 to abolish the rabbit boards, the Fysh ministry was committed to their continued existence.<sup>104</sup> It was only with a change of

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<sup>94</sup> *Examiner* 12 May 1888.

<sup>95</sup> *Examiner*, 8 February 1883 'A Cure for the Rabbit Plague' by Sydney C. Miller; 9 February 1884 'The Rabbit Pest' by Thos. Hogarth.

<sup>96</sup> *Examiner*, 26 January 1889 'Destruction of Rabbits' by Chas. S. Earle.

<sup>97</sup> *DT*, 15 August 1893; 19 September 1893.

<sup>98</sup> *Mercury*, 16 May 1885 'The Rabbit Nuisance' by Sentinel.

<sup>99</sup> *Mercury*, 17 May 1886 'A Prayer Against Rabbits' by A Believer in the Power of Prayer.

<sup>100</sup> *Mercury*, 8 March 1884 'The Rabbit Plague – a suggestion' by Old Resident.

<sup>101</sup> *DT*, 23 January 1884 'Tuberculosis in Rabbits' by SF.

<sup>102</sup> *Mercury*, 2 May 1888 'The Destruction of Rabbits'.

<sup>103</sup> *DT*, 31 Jan. 1888; 13 February 1888; T. A. Tabart to Colonial Secretary, 20 January 1887, *AOT*, Premiers Department: General Correspondence Files: Rabbit Destruction (Ref: PD 1 1884 file no. 95).

<sup>104</sup> See *DT*, 25 April 1891.

government in August 1892, headed by Henry Dobson, that adjustments in existing legislation were mooted.<sup>105</sup>

At the beginning of 1893 Dobson announced that a conference to discuss alterations in the law was to be held at Ross in early May, and invited farmers and landholders to propose some new schemes. Eventually, three broad plans were submitted to the conference for approval. The first originated from the Council of Agriculture, which had consulted its many sub-branches around the colony for solutions for the rabbit problem.<sup>106</sup> The Council criticized the emphasis on inspection and punishment in previous legislation, believing that inspection led to unnecessary taxation, while punishment created passive resistance amongst farmers.<sup>107</sup> The Council called for a small staff of government inspectors, and the abolition of fines and other penalties for infringing the Act.<sup>108</sup> It also pressed for the extension of municipal government to all parts of the colony, and for these councils to be in charge not just of rabbit destruction but all pest control, including, for example, the destruction of the codlin moth. The onus would be on municipalities to ensure that residents within their designated borders endeavoured to exterminate all pests on their property and worked with their neighbours to prevent pests spreading to other districts.<sup>109</sup>

The second scheme was proposed by the Chief Inspector Tabart.<sup>110</sup> He announced that 'local supervision under boards had proved to be a total failure both in Victoria and

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<sup>105</sup> *Mercury*, 21 October 1892.

<sup>106</sup> The Council of Agriculture was established in 1891, see Wettenhall, *A Guide to Tasmanian Government Administration*, p. 156.

<sup>107</sup> *Mercury*, 20 April 1893.

<sup>108</sup> *Mercury*, 16 May 1893.

<sup>109</sup> *Mercury*, 20 April 1893.

<sup>110</sup> See Interim Report by T. A. Tabart, 30 March 1893, AOT, Colonial Secretary Department: General Correspondence Files: Rabbit Destruction (Ref: CSD 16\13 file no. 60).

Tasmania'.<sup>111</sup> He also attacked the trade in skins and preserved meat, believing it had exacerbated the rabbit problem rather than diminished it. Tabart called for rabbit eradication to be placed back in the hands of the government, and advocated an ambitious plan to erect wire netting across large swathes of land in the colony, including enclosing much of southern Tasmania from Tasman's Peninsula to the foothills of the highlands.<sup>112</sup> He believed that the problem could be dealt with only by a combination of rabbit proof fencing and the compulsory laying down of poison.<sup>113</sup> He also called for the prohibition of trapping and of rabbit preserving works. Tabart was well aware that wire netting was expensive, and would financially be beyond the means of most farmers, with the colony in the midst of an economic depression. Therefore, he encouraged wire-netting to be provided on generous terms to farmers by the government. He envisaged that the government would begin his scheme by erecting rabbit proof fences on Crown Land, and, when more prosperous times returned, would assist settlers in enclosing small parcels of lands.<sup>114</sup>

The third scheme was put forward by Premier Dobson. In fact, he submitted three broad options available to the government. The first was for the government to regain authority for pest control in the colony, under the advice of the Chief Inspector of Stock, aided by the police, who should carry out the work as inspectors. This would require the police to be centralized, but Dobson thought that under this plan 'very favourable results could be obtained, and at much less expense, on the whole, to the taxpayer'.<sup>115</sup> The

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<sup>111</sup> *Examiner*, 29 April 1893.

<sup>112</sup> *Mercury*, 8 May 1893.

<sup>113</sup> Interim Report by T. A. Tabart, 30 March 1893, *AOT*, Colonial Secretary Department: General Correspondence Files: Rabbit Destruction (Ref: CSD 16\13 file no. 60) pp. 5-6.

<sup>114</sup> *Mercury*, 16 May 1893.

<sup>115</sup> *Mercury*, 3 May 1893.

second option available to the government was to leave control of pests to local boards. Dobson, however, noted that ‘it was found in the past that local boards established for the purpose of dealing with rabbits were a failure. Some of the boards did their work well, whilst others neglected it, and the whole system failed’.<sup>116</sup> He thought that the permissive principle behind the local board system was to blame for this failure. Instead of voluntary contributions, pest control required united and continuous action by farmers and local bodies alike.<sup>117</sup> The third option entertained by Dobson was for a complete overhaul of local government, the introduction of comprehensive municipal government throughout the colony with pest control put in the hands of the new councils. He sympathized with this proposal, though he noted the police would have to be centralized before municipal government would be accepted in some parts of the colony.<sup>118</sup>

The schemes of Dobson, Tabart and the Council of Agriculture went to various public meetings held around the colony before the meeting at Ross in May. Tabart’s scheme for comprehensive wire-netting was received favourably in Bothwell but rejected elsewhere;<sup>119</sup> a meeting of Oatlands farmers announced that it would create additional financial burdens for settlers, with no ‘commensurate benefit’.<sup>120</sup> Rather than return control of eradication to the government, most of the public meetings advocated some form of local control.<sup>121</sup> As rabbit boards had proven a disappointment, farmers supported the idea of giving pest control to municipal bodies, with the Act being strictly enforced by a combination of municipal inspectors and local police.<sup>122</sup>

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<sup>116</sup> *ibid.*

<sup>117</sup> *Mercury*, 16 May 1893.

<sup>118</sup> *Mercury*, 3 May 1893.

<sup>119</sup> *Mercury*, 16 May 1893, 8 May 1893.

<sup>120</sup> *Mercury*, 15 May 1893.

<sup>121</sup> *Mercury*, 18 April 1893.

<sup>122</sup> *Mercury*, 8 May 1893; 15 May 1893, 16 May 1893; *Examiner*, 15 May 1893.

The conference at Ross was opened in mid-May by the local member for Campbell Town, William Henry Bennett, who told the farmers present that ‘it was a struggle between them and the rabbits for the possession of the land’.<sup>123</sup> The first resolution, passed by an overwhelming majority, claimed that the existing board system had failed and should be abolished. Rejecting Tabart’s scheme for comprehensive wire-netting, the conference called for ‘the administration of any future Act to be vested in the municipal councils throughout the infested districts’.<sup>124</sup> The conference also favoured protection of native animals that preyed on the rabbit, provision by the government of wire-netting on generous terms, and empowering inspectors to enter lands and destroy rabbits if property owners failed to do so.<sup>125</sup>

The press bewailed the move to shift eradication to municipal bodies. The *Daily Telegraph* stated that ‘experience has fully demonstrated that in Tasmania the local bodies will not enforce the compulsory provisions of such legislation’.<sup>126</sup> The *Mercury* called for government control, noting ‘the result of local control in such a vexed question as this one of the rabbits would, we are assured on the best authority, be a state of absolute chaos’.<sup>127</sup> The *Examiner* was slightly more optimistic, pointing out that previous attempts at curbing the pest had been a disaster, and municipal control could only be an improvement.<sup>128</sup>

The government drafted a new rabbit bill from the resolution adopted at the conference and put it to parliament in October. The bill was similar to the *Rabbit*

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<sup>123</sup> *Mercury*, 18 May 1893.

<sup>124</sup> *Examiner*, 18 May 1893.

<sup>125</sup> *Mercury*, 18 May 1893.

<sup>126</sup> *DT*, 19 May 1893.

<sup>127</sup> *Mercury*, 26 May 1893.

<sup>128</sup> *Examiner*, 20 May 1893.



*Destruction Act* 1887, except that it would not be administered by local rabbit boards but by municipal districts in the colony.<sup>129</sup> Dobson told parliament that ‘under the old board system the work was done well in some districts and badly in others’, due in part he thought to an absence of adequate supervision to ensure that local boards carried out measures to eradicate the pest.<sup>130</sup> Therefore, while municipalities were to be responsible for rabbit destruction, their work would be monitored by the Chief Inspector, who could advise the government to take action against municipal councils failing to do their duty. The municipalities were required to raise annually a rabbit rate, which was to be used to appoint inspectors to monitor landowners. Provision was also made for local municipal police to act as inspectors. The bill was generally well received and passed without much comment, becoming the *Rabbit Destruction Amendment Act* 1893.

How effective was the new system? Initially, there were signs that the municipal councils were quite active in their efforts to eradicate the pest. The *Daily Telegraph* reported that over 46,000 rabbits had been killed in the Westbury municipality in one month alone, while the Longford municipality employed over 250 men and had destroyed approximately 300,000 rabbits in six months.<sup>131</sup> Parliamentarians were also pleased with the work of the municipal councils, the member for Derwent, W. A. B. Gellibrand, told the Legislative Council that the Act was the best the colony had ever had for the purpose of rabbit destruction.<sup>132</sup>

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<sup>129</sup> *Mercury*, 26 October. 1893.

<sup>130</sup> *ibid.*

<sup>131</sup> *DT*, 8 June 1894, 10 December 1894.

<sup>132</sup> *Mercury*, 9 August 1894.

Others disagreed. Farmers pointed out that in some municipalities' councillors had done little to curb the pest,<sup>133</sup> and municipal police were not suited in the role of inspectors.<sup>134</sup> Overall, the number of the rabbits in the colony was also increasing. The *Daily Telegraph* in 1894 noted that

the pestilent rabbit is fast increasing in importance and...he has developed into a nuisance of appalling proportions. He has laid large areas of land desolate. He has impoverished it for all useful purposes, and seriously affected its value. He has entailed upon the landholder and upon the State a heavy and abiding expenditure in the abortive attempt to check his ruinous fecundity.<sup>135</sup>

In his annual reports to the government, Chief Inspector Tabart recorded that numbers of the pest had not diminished.<sup>136</sup> He strongly criticized the work of the municipal councils, noting in 1896 that nothing of 'any permanent benefit' was likely to result.<sup>137</sup> In 1901 he warned that 'unless this Act is amended and worked under a central head, who shall have absolute control of his inspectors, failure in dealing with the rabbit pest will be perpetuated'.<sup>138</sup> The *Examiner* also reported in 1899 that rabbits had appeared in parts of the colony that had previously been relatively clear,<sup>139</sup> and by 1901 concluded that the way municipalities went about enforcing the Act was a 'distinct failure'.<sup>140</sup> The *Mercury* noted in 1905 that 'both the numbers of rabbits and the area of infested country increases year by year'.<sup>141</sup>

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<sup>133</sup> *Mercury*, 24 June 1896 'Rabbit Extermination' by Phosphorous.

<sup>134</sup> *DT*, 30 October 1893; 5 January 1894 'Destruction of Rabbits' by Ratepayer; *Mercury*, 24 July 1895 'Rabbit Destruction' by White Tail; *Examiner*, 25 Feb. 1897 'The Pests Acts and Their Weak Spots' by Lobster.

<sup>135</sup> *DT*, 10 December 1894.

<sup>136</sup> 'The Rabbit Destruction Act 1889', *JPPP(Tas.)*, 1895, paper no.50 p. 3; 'Stock Department: report by Chief Inspector', *ibid.*, 1898 paper no. 58 p. 4; 'Chief Inspector of Stock: report for 1901', *ibid.*, 1902, paper no. 33 p. 4.

<sup>137</sup> 'The Rabbit Destruction Act 1889: report', *JPPP(Tas.)*, 1896, paper no. 56 p. 3.

<sup>138</sup> 'Department of Agriculture: report by Chief Inspector', *JPPP(Tas.)*, 1901, paper no. 54 p. 5.

<sup>139</sup> *Examiner*, 8 June 1899.

<sup>140</sup> *Examiner*, 9 March 1901.

<sup>141</sup> *Mercury*, 4 February 1905.

Despite the poor results, the government was committed to leaving the responsibility for rabbit eradication in municipal hands. In the lean economic times after Federation it simply could not afford to employ a large staff of inspectors. With the pest spreading to previously clean and non-municipal districts, it became apparent that what was required was to extend the system of pest control statewide. Therefore, with pest control in the hands of municipal councils, the need to curb the rabbit pest was a contributing factor towards the introduction of a comprehensive municipal government throughout Tasmania.

#### *Fruit Boards and the Codlin Moth 1884-1907*

The codlin moth had appeared intermittently around small orchards in Launceston during the 1850s and 1860s, but became a serious problem for the whole colony from the late 1870s.<sup>142</sup> The growth in orchards around the island coupled with a burgeoning trade in exporting fruit – estimated in Hobart alone to be worth some £100,000 year<sup>143</sup> – meant the pest was soon brought to the attention of Crowther government in early 1879.<sup>144</sup>

A select committee was formed by parliament in May of that year to enquire into the pest and the means of countering its destruction of fruit. The committee heard that the best way of dealing with the grubs was when they were in their state of chrysalis. All loose bark on trees was to be scraped clean and debris around trees removed, while the

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<sup>142</sup> See W. L. Dobson 'The Codlin Moth', *Royal Society of Tasmania, Papers and Proceedings*, 1876 pp. 26-27; 'The Codlin Moth' *ibid.*, 1879 pp 54-58; A. Simson, 'Notes on the Codling Moth', *ibid.*, 1879 pp. 77-80..

<sup>143</sup> 'The Codlin Moth: report of select committee', *Tasmanian House of Assembly Journals*, 1878, paper no.

141 p. 6.

<sup>144</sup> *Mercury*, 9 May 1879.

creation of artificial winter quarters for the grub — ‘trapping’ — by bandaging or bagging the stems of trees was highly recommended. All fruit was also to be checked and any that showed signs of containing the grub be removed. The committee was advised to use bonfires and lanterns to kill the moth at night-time.<sup>145</sup>

The committee was also told by various experts that only by thorough and sustained action by all fruit-growers could the pest be curbed.<sup>146</sup> One such expert, Justice William Lambert Dobson, warned that it was ‘of little use for any one person to attempt to destroy the insect, unless his neighbours are also equally determined in their exertions to suppress this pest. One careless and slovenly gardener will afford a breeding ground for this creature, whence its progeny will carry devastation into the orchards of his neighbours’.<sup>147</sup> It was recommended that some legislation was required, and should embrace all fruit-growers and orchards in the colony.

The committee, however, produced only a modest interim report, wanting more information on the subject, and was reluctant to advocate any legislative action until that was received. It only recommended that various suggestions for curbing the moth be circulated among fruit-growers, including keeping orchards clean from debris, stripping and bandaging trees, and introducing English birds such as starlings that would eat the grubs.<sup>148</sup>

Further evidence was then gathered in early 1880 and another report produced. In this report the committee felt that urgent action was required — to stop the spread of the pest in the north of the colony, and possibly to eradicate it in the south, where its number was

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<sup>145</sup> See ‘The Codlin Moth: report of select committee’, *Tasmanian House of Assembly Journals*, 1878, paper no. 141 various appendices.

<sup>146</sup> see Appendix B *ibid.*, p7.

<sup>147</sup> *ibid.*, p10.

<sup>148</sup> *ibid.*, p4.

considerably less. The report noted 'that no individual effort, or continuation of the same, will be of avail' unless legislation covering all orchards was proposed. The committee recommended therefore that the government appoint a number of inspectors to see that all diseased fruit be removed from orchards and destroyed, as well as insuring that every tree in infested gardens be bandaged and periodically cleared of grubs. To meet the cost of appointing inspectors, the committee proposed a tax of 1 penny per bushel per annum be levied upon all apples, pears and plums, and that such a tax was to be paid by the grower upon their net marketable produce.<sup>149</sup> A bill was drawn up containing these provisions, and put to parliament by the Giblin government in February 1880, but, despite the plea for urgency requested by the report, the bill lapsed in committee and was withdrawn.

The bill was reintroduced into a new session of parliament in August 1880, and provoked considerable public comment. Among great disagreement on just how best to curb the pest,<sup>150</sup> fruit-growers around the colony argued whether legislation was the best solution. Opponents of the bill argued that the task of curbing the moth could be left in the hands of the growers themselves, who had an obvious interest in eradicating the pest if it threatened their livelihood. These growers put their faith in voluntary organizations such as horticultural societies.<sup>151</sup> Others were worried that implementing codlin moth measures would send a bad message to inter-colonial markets, who would use it as a pretext to ban Tasmanian fruit.<sup>152</sup> A series of public meetings were held around the colony, the bill read out, and crowds openly mocked its provisions. The major

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<sup>149</sup> 'Codlin Moth: report of select committee', *Tasmanian House of Assembly Journals*, 1879, paper 89, p3.

<sup>150</sup> See various correspondent under 'The Codling Moth' *Mercury*, 24 August 1880.

<sup>151</sup> *Mercury*, 30 August 1880 'The Codlin Moth' by T. M. Lipscombe.

<sup>152</sup> *Mercury*, 17 August 1880 'The Codling Moth' by Labour.

grievances were the use of government inspectors and the fear of them abusing their powers; the unjust nature of ‘clean’ districts containing no codlin moths paying taxes to eradicate ‘unclean’ districts; and that the working of the bill would be such an imposition as to ruin the industry.<sup>153</sup> The fruit-growers argued that legislation should be of a permissive nature, like that under the *Rabbit Act* of the time, where growers could place themselves under the statute.

Such consternation from fruit-growers brought only one modification to the bill when it was put to parliament — the tax would now be levied on the number of trees in an orchard not on the fruit produced. The bill was met with a hostile reception in the House of Assembly. Despite the protestations of the treasurer J. S. Dodds, who insisted the bill was necessary to protect the future of the fruit-industry, other members had concerns with the levy, the power of inspectors, and indeed whether legislative action was required at all. Thomas Reibey, member for Westbury, thought if passed the bill would be worthless and warned that many orchards would have to be destroyed, a feeling shared by several of his colleagues.<sup>154</sup> The bill was therefore postponed and further public comment invited.

A flurry of petitions was sent to parliament. Those in favor came predominantly from around Hobart, one petition from 27 orchardists from New Town warned that unless immediate action was taken the fruit-industry in Tasmania faced ruin.<sup>155</sup> Those against the bill came from more distant parts of the colony. The biggest petition of them all, signed by 439 inhabitants of the Huon, stated that ‘in our opinion it is not only the most

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<sup>153</sup> See proceedings of various meetings *Mercury*, 31 August 1880; 4 Sept. 1880; 15 Sept. 1880.

<sup>154</sup> *Mercury*, 27 August 1880.

<sup>155</sup> ‘Codlin Moth Bill: petitions in favour of’, *Tasmanian House of Assembly Journals*, 1880, paper 104, see also ‘Codlin Moth Bill: petitions for and against’, *Tasmanian Legislative Council Journals*, 1880, paper no. 70.

arbitrary and oppressive Act, but will most surely strike at the very root of the prosperity of this district'.<sup>156</sup> Another petition thought the bill would 'make the possession of fruit trees expensive, troublesome, and vexatious, and render them less valuable than at present'.<sup>157</sup> Both petitions thought the problem could be better handled by individual fruit-growers themselves. In light of such a mixed response, and with a house unfavourable to the bill, the measure was dropped.<sup>158</sup>

The codlin moth issue resurfaced again in 1882. This was in response to moves by fruit-growers in New South Wales to stop the import of Tasmanian fruit because of the risk of the codlin moth contaminating their own stocks.<sup>159</sup> A series of public meetings were held by Tasmanian growers between March and May alarmed by the proclamations of New South Wales growers, and calls were made for immediate action to curb the pest.<sup>160</sup> Though most growers agreed that legislation was required, they were anxious about the form such legislation would take. A resolution passed by a meeting in Hobart for instance warned that 'it is undesirable to make the operation of the proposed Act annoying or burdensome, and that therefore inspection and its necessary adjunct of taxation should if possible be avoided'.<sup>161</sup>

The result was a new bill introduced into parliament in September 1882. The Premier, W. R. Giblin, admitted that the 1880 bill had been perhaps 'too stringent' and he had consulted with numerous southern orchardists to produce a bill he thought would be better received. Whereas the 1880 bill had been comprehensive and included all fruit-

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<sup>156</sup> 'Codlin Moth Bill: petitions against', *Tasmanian House of Assembly Journals*, 1880, paper no.90 p .1

<sup>157</sup> *ibid.*, p. 1.

<sup>158</sup> *Mercury*, 24 September 1880.

<sup>159</sup> See *Mercury*, 5 April 1882.

<sup>160</sup> See *Mercury*, 29 March 1882; 5 May 1882; 6 May 1882.

<sup>161</sup> *Mercury*, 5 May 1882.

growers under its provisions, the new bill was more permissive. It would allow orchardists who wanted to come under the provisions to do so and tax their orchards to pay for inspectors, while leaving alone those fruit-growers who saw no need for legislative action. The new bill was warmly welcomed in the Assembly and passed onto the Council, where it was met with less enthusiasm. John Scott, member for Tamar, thought it 'one of those pieces of over-legislation for imaginary evils'.<sup>162</sup> The bill was narrowly defeated, with most rural and northern members rejecting it. This was perhaps due to the pest being hardly prevalent in the North West, while the remaining orchards in the North were both small and already infested. Curbing the moth would therefore be expensive and hardly worth the trouble, seeing how much of the fruit produced was for private consumption and not for public sale.

However, the pest continued to spread, infecting more southern orchards, and the bill was re-introduced in late 1883. While it passed easily through the Assembly, it was again met with opposition in the Council. With some members unconvinced that legislation was either necessary, or would be effective if passed, the bill was postponed for six months.<sup>163</sup>

Presented to parliament again in July 1884, the bill passed the Assembly with only some minor adjustments.<sup>164</sup> But public opinion of the bill was mixed<sup>165</sup> and several petitions against the bill were sent to the Council.<sup>166</sup> While some members of the upper chamber were still wary about the legislation, the increasing destruction of fruit by the

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<sup>162</sup> *Mercury*, 18 October 1882.

<sup>163</sup> *Tasmanian Legislative Council Journals*, 1883, p63.

<sup>164</sup> *Mercury*, 16 July 1884.

<sup>165</sup> See correspondence in favour of bill: *Mercury*, 15 August 1884 'The Codlin Moth' by Fruitgrower; 18 August 1884 'The Codlin Moth' by J. Watson; Against the bill: 4 August 1884 'The Codlin Moth' by Acton; 13 August 1884 'The Codlin Moth' by F.G.

<sup>166</sup> 'Codlin Moth Bill: Petitions', *JPPP(Tas.)*, 1884, paper no. 127.



moth could no longer be denied, and so the council passed the bill with some alterations in late 1884.<sup>167</sup>

The result was the *Codlin Moth Act 1884*. This Act allowed five or more fruit-growers to petition the government and declare their district either 'clean' or 'unclean' of the codlin moth. Those in unclean districts would be required to strike a levy of half a penny on every tree in the orchards within the district to pay for government appointed orchard inspectors. These inspectors were given the power to enter orchards after due notice to inspect trees and fruit and issue directives to curb the pest. Once a district had been proclaimed clean a substantial penalty applied to anyone who introduced infected fruit or boxes into the district.<sup>168</sup>

By 1884, large parts of the North and areas around Hobart were plagued by the moth. Only in the North West, East and South did the pest have no great effect. Still there was a lacklustre response by fruit-growers towards the new legislation. Clean districts were proclaimed by various fruit-growers around the Huon,<sup>169</sup> and a league was mooted in that region to keep the Huon codlin moth free.<sup>170</sup> But only one unclean district was proclaimed under the Act at Glenorchy, in November 1886.<sup>171</sup>

The poor response to the Act was attributed to its permissive nature. The *Mercury* remarked that 'the existing legislation is beyond question a failure', adding that permissive acts with regards to vermin control have 'never done much good'.<sup>172</sup> As one correspondent to that paper further explained districts plagued by the moth, and therefore

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<sup>167</sup> *Mercury*, 10 September 1884.

<sup>168</sup> See *Codlin Moth Act 1884*.

<sup>169</sup> *Hobart Town Gazette* (HTG), 14 July 1885; 20 October 1885.

<sup>170</sup> See *Mercury*, 20 February 1885.

<sup>171</sup> *HTG*, 23 November 1886.

<sup>172</sup> *Mercury*, 15 June 1886.

already financially handicapped by a serious loss of fruit, were unwilling to saddle themselves with extra taxation.<sup>173</sup> Along with government inspectors and strong penalties for any infringements, the Act seemed to punish rather than encourage those districts who wished to declare themselves unclean and rid themselves of the moth. By early 1886 a feeling grew that new legislation was required, as one grower put it, 'general and compulsory in its application and practical and effective in its operation'.<sup>174</sup>

The main instigator of this new movement was the Huon Fruitgrowers Association, who, unlike the rest of their colleagues in the relatively clean Huon region, felt the pest would inevitably arrive and therefore wished to take preventative action before it did so. The Association organized a series of public meetings around the Huon to float the idea of compulsory legislation in May and June 1886, with mixed success.<sup>175</sup> Despite the urgings of a leading member of the Association, R. J. Lucas, member for Kingborough, for united action, growers were reluctant to pay additional taxation, particularly as their own districts were clear of the pest.<sup>176</sup>

In 1886 parliament received its first annual report on the codlin moth problem, noting a marked increase in the pest in the past few years owing to hot and dry summers.<sup>177</sup> One grower recounted how he had found 6,000 grubs from 60 trees in his orchard in a period of only one month,<sup>178</sup> while the *Mercury* remarked that 'many of the gardens in and around Hobart are practically valueless...owing to the ravages of the grub'.<sup>179</sup> As the

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<sup>173</sup> *Mercury*, 11 August 1886 'The Codlin Moth' by Warning.

<sup>174</sup> *Mercury*, 17 April 1886 'The Codlin Moth Act, 1885' by A Fruit-grower.

<sup>175</sup> See *Mercury*, 3 May 1886, 18 May 1886, 1 June 1886, 14 June 1886.

<sup>176</sup> *Mercury*, 14 June 1886.

<sup>177</sup> 'Codlin Moth: inspectors report for 1886', *JPPP(Tas.)*, 1887, paper no. 32 p .3.

<sup>178</sup> *Mercury*, 26 March 1887 'The Codlin Moth' by Alfred J. Taylor.

<sup>179</sup> *Mercury*, 16 May 1887.

pest penetrated into the North West and far South, desire for 'united action' through compulsory legislation grew.<sup>180</sup>

Debate continued over the form this would take. The fruit-growers of the Huon, suspicious of government appointed inspectors and generally unwilling to tax themselves to pay to clean up the moth in other districts, favoured a scheme of local boards to eradicate the pest. These boards, they envisaged, would be elected by local fruit-growers, and empowered to strike a levy, appoint inspectors, and impose penalties on recalcitrant growers. The boundaries of any fruit districts would correspond to those boundaries already existing for road districts. Meetings were held at Franklin, Victoria and Port Cygnet to discuss the proposal, and resolutions were unanimously passed recommending the establishment of codlin moth boards throughout the colony.<sup>181</sup> In late June 1887 a deputation of Huon fruit-growers put the local board scheme to the Fysh ministry, which was generally favourable to the idea. The Minister for Lands and Works, Edward Braddon, admitting there was 'a very general objection to increasing the already large number of [government appointed] inspectors of various kinds'.<sup>182</sup>

But the board scheme was viewed with less enthusiasm elsewhere. The *Mercury* was skeptical of its benefits,<sup>183</sup> and fruit-growers around Hobart organized a meeting to put forward their own scheme. They proposed that the colony be divided into convenient districts, with each district to be controlled by a sub-inspector who, in turn, would be

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<sup>180</sup> See *Mercury*, 28 January 1887 'The Codlin Moth' by A. J. O; 29 January 1887 'The Codlin Moth' by J. Watson; 31 January 1887 'The Codlin Moth' by Wm Connor; 1 February 1887 'The Codlin Moth' by Pro Bono Publico; 14 February 1887 'The Codlin Moth' by S. J. Cato; 10 March 1887 'Codlin Moth' by Joesph Barwick; 26 March 1887 'The Codlin Moth' by Alfred J. Taylor; 30 May 1887 'The Codlin Moth' by Lex.

<sup>181</sup> *Mercury*, 30 May 1886, 9 June 1887.

<sup>182</sup> *Mercury*, 21 June 1887; see also S. Petrow, 'Carriages and Scab: elite contention against the law in nineteenth century Tasmania', *Newcastle Law Review* 2(2), 1997, pp. 70-91.

<sup>183</sup> *Mercury*, 20 May 1887.

responsible to a chief inspector appointed by the government. Local fruit-growers would be able to nominate who they would like to be a sub-inspector, but the Hobart fruit-growers preferred some separation between growers and inspectors. As one warned 'inspectors under the supervision of local bodies would never be able to do their duty impartially as they would be subjected to local influence'.<sup>184</sup> Unlike under the board system, where growers would tax themselves to pay inspectors, to ensure the independence of inspectors Hobart growers suggested they be paid out of the general revenue. This would reduce the financial burden upon growers as well. The scheme was approved by the Hobart meeting and a draft bill was sent to the government.<sup>185</sup>

Eventually, the new codlin moth bill introduced to parliament in mid-October 1887 was based on the local board system advocated by the Huon growers, although with some modifications. The bill easily passed both houses.<sup>186</sup> Under the *Codlin Moth Act* 1887, the government was to proclaim fruit districts around the colony. Each of these districts would elect annually a board of seven local fruit-growers who were empowered to either inspect orchards or appoint others to do so. Board members themselves would not be paid, but if other inspectors were needed, fruit boards were able to strike a levy note exceeding four shillings per acre on every orchard within the district to pay for them. Even though the fruit boards were to be primarily responsible for curbing the pest, several safeguards were included in the legislation. The government was able to appoint officers to carry out the provisions of the Act if a fruit board was unable or unwilling to do its duties, and the government would appoint a chief inspector to tour the colony. The government, and not the boards themselves, had the power to alter regulations guiding

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<sup>184</sup> *ibid.*

<sup>185</sup> *ibid.*

<sup>186</sup> See *Mercury*, 9 November 1887, 10 November 1887, 16 November 1887, 9 December 1887.

boards and inspectors; the manner in which the pest was to be countered; and the penalties that would occur for non-compliance.<sup>187</sup>

In effect, the Act was a compromise between the principles of local control — with the risk that apathetic fruit-growers would do little to curb the pest — and government-led action, which was viewed with suspicion by some fruit-growers. The *Mercury* welcomed the measure, warning that ‘it has become evident that unless some energetic and well concerted action is taken, there is a very great danger of the fast developing apple-growing industry being destroyed’.<sup>188</sup> Fruit-growers too were pleased, one declaring ‘the new Act if properly administered will be a blessing to orchardists and the country. The provision contained in it for local boards is an excellent one, and...local inspectors appointed will no doubt be the best and most suitable of men’.<sup>189</sup>

Such optimism was shortlived. From 25 fruit districts proclaimed under the new Act, 19 fruit boards were formed.<sup>190</sup> However, orchardists did not embrace these local boards all that enthusiastically. The *Mercury* remarked in February 1888 that, ‘while in some districts local boards are being appointed, and their members show that they mean business, in other districts there is much indifference, and some appear to entirely disregard the law’.<sup>191</sup> In his annual report on the codlin moth in 1888 the new Chief Inspector T. A. Tabart noted that several of the new boards had not appointed inspectors due to a desire not to burden fruit-growers with extra taxation. Where concerted action was required, each board seemed to have its own view, or often several conflicting views, on how to deal with the pest. Tabart was therefore pessimistic about any future success

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<sup>187</sup> See *Codlin Moth Act* 1887.

<sup>188</sup> *Mercury*, 3 November 1887.

<sup>189</sup> *Mercury*, 31 December 1887 ‘The Codlin Moth’ by Huonite.

<sup>190</sup> *HTG*, 5 January 1888; 6 January 1888.

<sup>191</sup> *Mercury*, 4 February 1888.

from the new board system. He concluded by stating that the machinery of the *Codlin Moth Act* was 'unmanagable, and the opinions expressed by members of the different boards so varied that unanimity cannot prevail'.<sup>192</sup>

While some orchardists were supportive of the new boards,<sup>193</sup> criticisms regarding the inadequacy of the Act were frequent in the colony's newspapers.<sup>194</sup> As a sign of either apathy or protest against the Act, many fruitgrowers refused to pay levies struck by the boards to pay for officers.<sup>195</sup> In May, a conference of representatives met to discuss means of improving the Act in order to broaden its appeal.<sup>196</sup> A new codlin moth bill incorporating these changes was put to parliament in August 1888, even though the existing Act had barely been in operation for six months.

The new bill proposed to simplify the means of altering the boundaries of fruit districts, as some growers had found existing districts too large and unwieldy; strengthen the powers of the government to administer the Act where boards failed to do so; and ensure that fruit boards had to appoint inspectors for their districts. It also outlined in more detail the powers, duties, and mode of electing fruit boards. Some orchardists petitioned against the measure.<sup>197</sup> Their main concern was a new provision whereby a board (or the government) could order trees infected with the moth to be cut down. The growers felt this threatened the liberty of the small property-owner, by putting too much power in the hands of the boards and inspectors. One orchardist stated that 'the bill, if it

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<sup>192</sup> 'Codlin Moth Act: report of chief inspector', *JPPP(Tas.)*, 1888-89 paper no. 80 p3.

<sup>193</sup> For example, see *Mercury*, 1 March 1888 'The Codlin Moth Act' by Ribstone Pippin; 24 April 1888 'The Codlin Moth War' by S; 11 July 1888 'The Codlin Moth Act' by C. F. Creswell.

<sup>194</sup> *Mercury*, 12 March 1888 'The Codlin Moth' by Sufferer; 16 March 1888 'Commonsense V Codlin Moth Act' by J. E. Baynton; 30 August 1888 'Fruit Boards' by H. Benjafield; *DT*, 15 March 1888 'The Codlin Moth Act' by Horticulturist.

<sup>195</sup> *Mercury*, 29 May 1888.

<sup>196</sup> *DT*, 2 May 1888.

<sup>197</sup> *JPPP(Tas.)* 1889 p. 63, p67.

becomes law, would let loose an army of inspectors on the orchards of this colony, which would be even a greater evil than the codlin moth pest...they would swarm over the country like locusts and destroy everything in the orchards except the codlin moth itself'.<sup>198</sup>

After much discussion the bill passed both houses,<sup>199</sup> becoming the *Codlin Moth Act* 1888. Ostensibly the same as the 1887 Act with the above modifications made, the new Act proclaimed some 30 fruit districts around the colony — more than half of these existing in the South.<sup>200</sup> The *Daily Telegraph* remarked that the Act would be 'troublesome and costly to carry out', and doubted whether it would please the majority of orchardists around the colony.<sup>201</sup>

The task of these new boards was, in the words of the 1888 Act, 'the destruction of the insect known as *carpocapsa pomonella* or codlin moth'. Did the fruit boards decrease the codlin moth problem in the following two decades? The answer it seems is no. Complaints that the codlin moth was getting worse were common.<sup>202</sup> In 1890 one grower wrote to the *Examiner* proclaiming 'in the North fruitgrowers generally complain that the pest is causing more destruction this year than ever'.<sup>203</sup> Similarly, another grower in 1892 stated 'that the moth is as numerous and destructive now as before the Act was passed'.<sup>204</sup> In that year the *Daily Telegraph* told its readers that 'the orchards of the North, which at one period of our history were one of our staple industries, have

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<sup>198</sup> *Mercury*, 4 September 1888.

<sup>199</sup> *Mercury*, 29 August 1888; 30 August 1888; 27 September 1888.

<sup>200</sup> See *Codlin Moth Act* 1888..

<sup>201</sup> *DT*, 27 Aug. 1888; see also *Col.* 1 Sept. 1888.

<sup>202</sup> *Mercury*, 28 May 1897 'Codlin Moth' by F. F. Butler; 18 July 1899 'The Codlin Moth' by W. Berry; 23 March 1898 'The Fruit Industry and Its Pests' by Tomahawk; *Examiner*, 20 January 1898 'Insect Pests' by W; *DT* 1 April 1895 'Codlin Moth' by Orchardist; 10 February 1896 'Codlin Moth' by Orchardist; *NWP* 5 April. 1890.

<sup>203</sup> *Examiner*, 6 February 1890 'Fruit Conference' by John Conacher.

<sup>204</sup> *Examiner*, 24 March 1892 'Codlin Moth' by Nemo.

practically been handed over to the codlin moth, the majority of the so-called orchards really being breeding grounds for the pest'.<sup>205</sup>

Despite all efforts in 1895 one orchardist wrote that 'there is no diminution in the ravages of the codlin moth'.<sup>206</sup> This was further confirmed by Tabart in his 1898 annual report on the moth which, if anything, he wrote, 'is gaining ground'.<sup>207</sup> By 1900 the problem was so severe that the *Examiner* stated pessimistically that 'like the poor, the codlin moth will, in all probability, be always with us. Sound legislative measures stringently carried out will reduce the pest considerably, but whether the law can ever hope to wholly eradicate it is a matter for doubt'.<sup>208</sup> The codlin moth therefore remained a particular problem for orchardists in Tasmania.<sup>209</sup>

This being so, it is hardly surprising that orchardists were continually looking for a cheap and effective 'miracle' cure for the pest. Surefire remedies for eliminating the moth appeared often in the newspapers,<sup>210</sup> alongside suggestions that native birds<sup>211</sup> or pigs<sup>212</sup> were more effective than any legislation or human action. But the main methods local boards used in attempting to defeat the pest were inspecting orchards, bandaging trees, and from the early 1890s spraying trees with insecticides, especially Paris Green.<sup>213</sup> Each of these methods had its problems. It was difficult for inspectors to examine every

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<sup>205</sup> *DT*, 9 January 1892.

<sup>206</sup> *Examiner*, 26 July 1895 'Codlin Moth' by W.

<sup>207</sup> 'Codlin Moth Act 1888: chief inspectors report', *JPPP(Tas.)*, 1898 paper no. 58 p. 6.

<sup>208</sup> *Examiner*, 1 August 1900.

<sup>209</sup> See 'Department of Stock and Agriculture: report 1905-1906', *JPPP(Tas.)*, 1906, paper no. 15 p. 11.

<sup>210</sup> see *Mercury*, 20 September 1898 'An English Cure for Codlin Moth' by W. B. Peacock; 30 September 1898 'The Codlin Moth and the Nightingale' by William Bugby; *DT*, 25 August 1906; 28 September 1906; 2 July 1907; 30 August 1907; *Col.* 18 May 1889; 25 May 1889; 27 July 1888; *NWP* 18 May 1889; 1 February 1890; 23 May 1903; 18 August 1903, *North West Advocate*, 6 June 1906.

<sup>211</sup> *Mercury*, 9 January 1892; *Examiner* 5 Nov. 1896 'Native Birds as Destroyers of the Codlin Moth' by James Smith; *NWP* 24 June 1890 'The Codlin Moth' by H. A. Nichols.

<sup>212</sup> *Mercury*, 24 March 1890.

<sup>213</sup> See *Mercury*, 12 November 1888; 24 November 1890; *Examiner*, 22 January 1898 'Codlin Moth and Spraying' by John A. Breden; 15 March 1898 'The Codlin Moth' by Tried and Proven..



tree in every orchard for diseased fruit. Likewise, it proved hard to ensure fruitgrowers bandaged and unbandaged their trees at the appropriate time, and that all moths were despatched. Although spraying was the most effective means of countering the pest, it came with dangers of spoiling the fruit or trees.<sup>214</sup>

Failure to find an effective solution had dramatic consequences. The colony’s fruit industry expanded during the 1890s, with more orchards around the island and an increase in the amount of fruit exported:

**Table 5.1: Total Value of Preserved and Green Fruit Exported from Tasmania 1888-1907**

Year	Value (£)	Year	Value (£)
1888	120,484	1898	183,345
1889	128,822	1899	244,143
1890	136,502	1900	279,988
1891	125,886	1901	330,939
1892	147,866	1902	446,244
1893	122,183	1903	395,497
1894	202,455	1904	441,101
1895	161,464	1905	442,462
1896	169,705	1906	341,659
1897	195,073	1907	380,390

(Source: *Tasmanian Statistics*, 1889-1908)

<sup>214</sup> *Mercury*, 9 January 1892; 23 September 1892 ‘Spraying Fruit Trees’ by Edward H. Thompson.

Expansion resulted from securing a greater share in British and intercolonial markets. The continued presence of the codlin moth in Tasmanian orchards was a threat to an increasingly important section of the Tasmanian economy.

This fact was made clear in 1894, when authorities in New Zealand announced that they were concerned that the codlin moth might be introduced into their country by imported Tasmanian apples.<sup>215</sup> Though the Braddon government sought to assure the New Zealand government that all fruit was rigorously screened before being exported, the affair deepened long-held fears that the threat of infection would be used as an excuse to prohibit Tasmanian fruit from some markets.<sup>216</sup> The government of New Zealand the following year introduced tighter restrictions on imported produce.<sup>217</sup> Similarly in 1898, the industry was shaken by the news that infected fruit had been sent to Sydney.<sup>218</sup> This resulted in the Braddon government proposing a fruit exports bill to improve the inspection of fruit destined for export, a move growers did not like.<sup>219</sup> Problems multiplied with the appearance of new pests that threatened the industry from the late 1890s — cherry and pear slugs;<sup>220</sup> San Jose Scale;<sup>221</sup> Italian fly;<sup>222</sup> black spot;<sup>223</sup> and the Queensland fruit fly.<sup>224</sup> Though the Braddon government sought to ease the burden on the boards by introducing the *Vegetation Diseases Act* 1898, increasing the inspection of

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<sup>215</sup> *Mercury*, 13 July 1894.

<sup>216</sup> *Mercury*, 14 July 1894.

<sup>217</sup> *Mercury*, 11 March 1895.

<sup>218</sup> See *Mercury*, 6 April 1898 'Fruit Inspection' by XYZ; 13 April 1898 'Fruit Inspection' by A Bona Fide Fruitgrower; 5 May 1898 'Fruit Pests' by SPM.

<sup>219</sup> *Vegetation Diseases Act* 1898.

<sup>220</sup> *Examiner*, 19 April 1901.

<sup>221</sup> *Examiner*, 30 April 1901.

<sup>222</sup> *Mercury*, 16 March 1900.

<sup>223</sup> *Mercury*, 25 May 1899.

<sup>224</sup> *Mercury*, 4 May 1895.

all plants and fruit coming into the colony, the new pests exposed the inadequacies of the existing fruit boards.

Why did fruit boards fail? The system of local boards did have its supporters,<sup>225</sup> but even they admitted that the existing *Codlin Moth Act* was a failure. This failure was attributed to the provisions of the Act not being strictly enforced.<sup>226</sup> For instance, in 1898 the *Examiner* bemoaned that 'it is an open secret that in some of the country districts the Act is, to all intents and purposes, a dead letter...we cannot resist the conclusion that there is something radically wrong in the manner in which its provisions are generally administered. While things are permitted to proceed in the present slipshod, half-hearted fashion, the moth cannot possibly be kept under check'.<sup>227</sup>

Similarly, the *Mercury* in 1900 stated that 'undoubtedly the codlin moth would be infinitely less troublesome now than it is if the provisions of the Act were properly observed by all growers, large and small, and the same were stringently enforced'.<sup>228</sup> Blame for the *laissez-faire* attitude towards the Act was placed firmly on the shoulders of local magistrates, who undid the hard work of boards and inspectors by issuing small fines for those orchardists hauled up before the courts for infringements of the Act.<sup>229</sup> Small penalties just trivialized the codlin moth problem, as large growers sometimes

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<sup>225</sup> *Examiner*, 1 April 1890 'Codlin Moth Pest' by Orchardist; 5 April 1890 'Codlin Moth Pest' by Cosmo; 7 September 1891 'Codlin Moth' by Fruit; 29 June 1896 'Codlin Moth Act' by Another Fruitgrower; 7 August 1900 'Codlin Moth Act' by Farmer; 12 February 1901 'Codlin Moth Act' by P. B. Hirst; *DT* 9 May 1892 'The Codlin Moth' by Pro Bono Publico; 4 June 1897 'The Codlin Moth Act' by Phillip Welch; *Wellington Times* (WT), 24 August 1895 'The Codlin Moth Act' by Orchardist; 13 October 1896 'The Codlin Moth Act' by Orchardist.

<sup>226</sup> *Examiner*, 10 May 1898 'Codlin Moth Act' by John A. Breden; *DT* 18 March 1890 'The Codlin Moth' by Another Orchardist.

<sup>227</sup> *Examiner*, 22 March 1898.

<sup>228</sup> *Mercury*, 9 August 1900.

<sup>229</sup> *Mercury*, 27 January 1898 'The Codlin Moth' by Orchardist; 19 February 1898 'The Codlin Moth Act' by Orchardist; 14 February 1890; *DT*, 9 March 1889 'Codlin Moth Act' by Onlooker.

quite willingly went to court to pay a small fine rather than pay more to clear their orchards of the pest.<sup>230</sup>

Supporters of the board system also attributed blame to growers, who they accused of being prejudiced against the Act.<sup>231</sup> The success of the local boards largely depended on the goodwill of local fruitgrowers, who in good faith had to report the true extent of the pest problem in their orchards, so apathy or direct non-compliance from growers made the boards' work that much harder. As the *Mercury* noted in 1889, 'the work which the boards and their officers have to do is not pleasant, and at times is resisted by foolish and lazy people, but it must be done nevertheless and in the end many who grumble and oppose will be thankful that this work was done in spite of them'.<sup>232</sup>

Another reason for the failure of the Act was the poor relationship that existed between the fruit boards and the government's chief inspector T. A. Tabart. Most of the orchardists who sat on the fruit boards favoured local control, and blamed Tabart for undermining their work through his constant criticism of the board system.<sup>233</sup> Their anger was increased by the fact that part of Tabart's salary came from annual contributions from the boards themselves.<sup>234</sup> In response to Tabart's criticism of their actions, throughout the 1890s the boards attempted to have the Act amended to remove this obligation,<sup>235</sup> but were unsuccessful.<sup>236</sup> They therefore resorted to attacking Tabart

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<sup>230</sup> *Mercury*, 12 March 1889.

<sup>231</sup> See *Col.* 28 April 1888.

<sup>232</sup> *Mercury*, 20 June 1889; see also *DT* 30 April 1892.

<sup>233</sup> *Mercury*, 22 March 1898 'Codlin Moth Pest' by G. Innes; 26 September 1898 'Fruit Boards' by Thomas Mills.

<sup>234</sup> *AOT*, Queensborough Fruit Board: Minutes of Meetings (Ref: LA 55/1) 7 October 1891.

<sup>235</sup> see Circular sent to Chairman of various fruit boards around the colony, 3 November 1892, *AOT*, Port Cygnet Fruit Board: Letterbook of Secretary (Ref: LA 54/1); *ibid.*, South Huon Fruit Board: Minutes of Meetings (Ref: AC 674/1) 7 November 1892; *ibid.*, Glenorchy Fruit Board: Minutes of Meeting (Ref: LA 19/1) 6 November 1895.

<sup>236</sup> See *Mercury*, 13 December 1892 'The Codlin Moth Act'. by Wm. Walshe.

frequently in the colony's newspapers.<sup>237</sup>

If the fruit boards were intransigent, so too was Tabart. He was against the system of local control from the beginning, convinced that only by central action led and controlled by the government could the moth be eradicated. This view was constantly reiterated in his annual reports to parliament. In 1888 he stated that 'the board system is not so smooth, or, I am confident, so effective, as was anticipated' by those politicians who had introduced it.<sup>238</sup> This was due to the incompetence of the boards. As he noted, 'in districts where the work of inspection is left to the members of the board, the supervision is not of that searching nature which is absolutely requisite to cope with a pest that materially affects our fruit industry'.<sup>239</sup> The next year he alleged that some boards were corrupt, because 'it is an established fact that members of some boards will protect, and have protected, their individual interests, by preventing information being laid and the law allowed to take its course, when the offender is a member of their own body'.<sup>240</sup> This problem got worse throughout the 1890s. Tabart in his reports frequently noted that board members set a bad example by often flouting the law themselves.<sup>241</sup> It led him in exasperation to conclude in one of his reports that 'as long as local bodies administer the laws unquestionably the pest will increase'.<sup>242</sup>

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<sup>237</sup> See *Mercury*, 22 May 1901 'Fruit Boards and Inspectors' by Orchardist; 15 June 1901 'Fruit Board V. Government Inspectors' by R.W.G. Shoobridge; 27 April 1904 'Recent Proceedings under The Codlin Moth Act' by Robert H. Chalmers.

<sup>238</sup> 'Codlin Moth Act: Chief Inspector's report', *JPPP(Tas.)* 1889 paper no. 24 p. 3.

<sup>239</sup> *ibid.*, p4.

<sup>240</sup> 'Codlin Moth: Chief Inspector's report 1889', *JPPP(Tas.)* 1890 paper no. 49 p. 3.

<sup>241</sup> See 'Codlin Moth Act 1888: report' *JPPP(Tas.)*, 1899, paper no. 59 pp. 5-6; 'Codlin Moth: Chief Inspector's report', *ibid.*, 1901, paper no. 54 p. 6.

<sup>242</sup> 'Codlin Moth 1888: report by Chief Inspector', *JPPP(Tas.)* 1898, paper no. 58 p. 6.

While Tabart was the most outspoken critic of the *Codlin Moth Act*, he was not alone.<sup>243</sup> Orchardists against the system of local boards had a variety of reasons for why the Act was a failure. These included a perception that the Act was oppressive — due to tyrannous boards, over-zealous inspectors, and harsh magistrates;<sup>244</sup> that it favoured large and wealthy growers and put too much of a burden on the amateur, small or poor orchardist;<sup>245</sup> that the levies were too high especially when trees were unproductive, and the penalties for infringing the Act too harsh;<sup>246</sup> and that to be effective every tree in every orchard had to be constantly checked, a task deemed impossible.<sup>247</sup>

However, for some fruitgrowers the Act was undermined by the corruption and hypocrisy of members of the fruit boards and the inspectors appointed by them.<sup>248</sup> As one grower complained to the *Examiner*, ‘the boards’ most scientific plan up to the present seems to me to be running the poorest and most helpless of the fruitgrowers to the police courts, in order to be fined and degraded, and to act as a warning to people in higher stations whose gardens are in many instances the breeding grounds of these destructive pests’.<sup>249</sup> Another wrote to the *Mercury*, that ‘it is a well known fact that prominent

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<sup>243</sup> See *Mercury*, 25 March 1889 ‘The Codlin Moth Problem’ by J. S. Laurie; 2 November 1889 ‘The Codlin Moth Act’ by Fruitgrower; 9 March 1898 ‘The Codlin Moth Act’ by Codlin; 10 March 1898 ‘Huron Codlin Moth Law’ by Frank C. Maddox; *Examiner* 3 April 1890 ‘Codlin Moth Pest’ by John L. Smith; 1 April 1893 ‘Codlin Moth’ by Goden; 17 February 1896 ‘Codlin Moth Act’ by S; *DT*, 20 August 1890 ‘Codlin Moth Act’ by Poor Man; *WT*, 30 May 1891 ‘Codlin Moth Act’ by Sufferer; 3 September 1895 ‘Codlin Moth Act’ by Struggling Farmer.

<sup>244</sup> *Mercury*, 4 March 1898 ‘The Codlin Moth Act’ by W. H. Kennedy; *Examiner*, 28 February 1896 ‘Codlin Moth Prosecution’ by F. Hales; 26 January 1897 ‘Codlin Moth Prosecution’ by W. W. Brunsdon; *DT*, 17 August 1892 ‘The Codlin Moth Act’ by W. F. Wathen; 4 May 1895 ‘Codlin Moth Act’ by Joesph Cox.

<sup>245</sup> *Examiner*, 10 October 1891 ‘Codlin Moth Act’ by C.M.

<sup>246</sup> *DT* 5 December 1888; *NWP* 26 July 1890 ‘Codlin Moth Rates’ by H. Dumbleton; *Mercury*, 23 November 1888 ‘Fruitgrower Beware’ by Tomahawk; 20 May 1891 ‘The Tax on Fruit Trees’ by Tomahawk; 15 March 1892 ‘The Codlin Moth Act’ by Broom.

<sup>247</sup> *Examiner*, 1 March 1900 ‘Codlin Moth Act’ by W.J.H; *DT* 11 May 1892 ‘Codlin Moth’ by W.F. Wathen

<sup>248</sup> *Examiner*, 19 Jun. 1896 ‘The Codlin Moth Act’ by Southern Fruitgrower; 9 October 1904 ‘Codlin Moth Act’ by Orchardist no. 2.

<sup>249</sup> *Examiner*, 11 March 1892 ‘Fruit Insects’ by Pasgoods None Such.

country fruit board members orchards during the past season were in a totally disgraceful state...still we find these very men allowed to occupy important positions, and direct the work of eradication'.<sup>250</sup> Not surprisingly, the correspondent concluded with the observation that 'surely this system is not sound'.<sup>251</sup>

The perception that growers sat on boards to escape the Act, rather than enforce it, was perhaps the main reason for why the *Codlin Moth Act* failed to curb the pest. Instead of working with the boards to solve the problem, fruitgrowers greeted the boards with distrust and apathy, often being lax in paying rates and lodging acreage returns.<sup>252</sup> Annual elections for the boards saw little fanfare, with most existing board members being re-elected unopposed.<sup>253</sup> Faced with a formidable pest, and with little faith in the legislative remedy designed to defeat it, it was little wonder that in some quarters disillusionment set in. As one orchardist told the *Daily Telegraph*, 'under this Act growers are liable to excessive rates; to useless expenses, and serious loss of time, for no advantages whatsoever, as the codlin moth increases'.<sup>254</sup>

For others, change was needed. Representatives from the fruit boards regularly held conferences to discuss improvements that could be made to the Act. The first of these was held in January 1889, to consider advising the government to amend the way levies under the Act were raised. The existing method, in which sometimes two levies had to be raised to ensure a fruit board had adequate funds, had proven cumbersome for boards and

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<sup>250</sup> *Mercury*, 21 September 1898 'Fruit Boards and The Codlin Moth Act' by F.J.M. Wetherson.

<sup>251</sup> *ibid.*

<sup>252</sup> The Queensborough Fruit Board particularly suffered from this, see *AOT*, Queensborough Fruit Board: Minutes of Meetings (Ref: LA 55/1) 13 July 1888, 4 January 1889, 2 August 1889, 6 January 1896, 22 January 1899, 9 January 1906.

<sup>253</sup> *Examiner*, 10 October 1891 'Codlin Moth Act' by C.M.; 20 July 1893; 19 April. 1900 'Codlin Moth Act and Local Government' by W.E. Bovill.

<sup>254</sup> *DT*, 13 October 1891 'The Codlin Moth Act' by C.M.

was unpopular with fruitgrowers. The appeal fell on deaf ears.<sup>255</sup> A second conference was held in September 1890, to respond to the parliamentary annual report published by Tabart. He had been critical of the boards, and the report was condemned by conference. A resolution was carried that the boards 'were fully coping with the pest so far as the regulations would permit', but further amendments were necessary.<sup>256</sup> The following August the boards met and formalised these amendments. They included staggered elections for board members, greater powers for inspectors and boards, and harsher penalties for breaches of the Act.<sup>257</sup> In December 1891 some of the changes were incorporated into a new *Codlin Moth Amendment Act*. This Act tightened quarantine regulations; provided for two year terms for board members and rotational elections; set minimum penalties for breaches of the Act; increased some powers of the inspectors; and allowed boards to make their own regulations for curbing the pest.<sup>258</sup>

Further conferences were held throughout the 1890s to discuss amendments. In response to Tabart's criticisms, the boards resolved in 1892 to petition the government to pay the Chief Inspector's salary out of the general revenue, not their own pockets, and to be able to publish their own annual reports to balance the Chief Inspector's.<sup>259</sup> In 1896 the boards met to discuss plural voting for the election of boards, a further increase in penalties for breaching the act, a qualification clause for board members, and whether or not the Chief Inspector's salary should be paid out of the general revenue.<sup>260</sup> However,

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<sup>255</sup> *DT*, 10 January 1889; *Col.* 12 January 1889.

<sup>256</sup> *Examiner*, 11 September 1890.

<sup>257</sup> *DT*, 15 August. 1891.

<sup>258</sup> See *Codlin Moth Amendment Act* 1891.

<sup>259</sup> *Examiner*, 23 November 1892.

<sup>260</sup> *Mercury*, 7 September 1896.



the only further amendment made to the Act was in 1900 when the procedure for electing board members was set out.<sup>261</sup>

Those fruit-growers who disliked the board system floated other proposals. From 1890, one such proposal was so-called centralization — handing all control for curbing the pest to a government department and using either government appointed persons or the police as inspectors.<sup>262</sup> In 1892 the *Daily Telegraph* was the first major newspaper in the colony to reject the existing board system and advocate centralization. The *Codlin Moth Act* was ‘cumbersome, expensive, and inefficient’ and boards did not ensure the quality of inspection needed.<sup>263</sup> United action was needed under the strong hand of the chief inspector. The *Examiner* and *Mercury* came to this view by about 1900.<sup>264</sup> In 1901 the *Mercury* admitted that

the plain fact is that the boards have not dealt, and are not dealing, effectively with the codlin moth, which is allowed to spread in some places without any attempt at checking it, while in other places the inspectors are so very casual and superficial as to be practically of no value....it would be pure folly to trust these boards for the future, and it is abundantly proved that another system must be adopted if the new pests are to be grappled with in an effective manner.<sup>265</sup>

In response to the calls for centralization, the existing fruit boards flirted with two proposals. In 1898 the member for Buckingham F. W. Piesse suggested that the Council of Agriculture should take on more responsibility for overseeing inspection and the work

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<sup>261</sup> *Codlin Moth Amendment Act* 1900.

<sup>262</sup> See *Examiner*, 26 June 1890 ‘Codlin Moth’ by Orchardist; 7 February 1902 ‘Codlin Moth Act’ by Fruitgrower; *DT* 19 July 1892 ‘Consolidation of the Pest Acts’ by Stockowner; 3 February 1897 ‘The Codlin Moth Act’ by Orchardist; *Mercury*, 16 September 1901 ‘Fruit Boards and Fruit Pests’ by Interested; 6 March 1897 ‘The Codlin Moth Act’ by Geo. W. Salier; 10 March 1898 ‘The Codlin Moth’ by Pomona; 23 March 1898 ‘The Fruit Industry and Its Pests’ by Tomahawk; *NWP* 4 September 1890 ‘The Codlin Moth Act’ by J. Watkinson; 1 April 1899 ‘The Codlin Moth’ by Observer.

<sup>263</sup> *DT*, 27 May 1892.

<sup>264</sup> *Examiner*, 27 September 1900; 30 January 1902.

<sup>265</sup> *Mercury*, 20 June 1901.

of the boards, but this was met with a lukewarm response by the fruit boards.<sup>266</sup> In 1899 the fruit boards discussed a proposal to create a central authority comprised of delegates from individual fruit boards with the power to co-ordinate joint action and enforce any regulations and penalties.<sup>267</sup> But like the proposal made by Piesse, the idea met with little enthusiasm. Fruit boards were eager to see their existence perpetuated, even lobbying the government to be exempt from the Local Government Bill of 1906.<sup>268</sup> This was rejected, as the Evans government felt it would set a precedent for other local authorities wary of the new legislation to have themselves exempted, thus undermining the comprehensive idea of the bill.<sup>269</sup>

While centralization had broad support, some fruit-growers were wary of granting either government appointed inspectors or police untrammelled power to enter their orchards.<sup>270</sup> Some local control was still deemed necessary. Therefore in May 1893 the Mersey branch of the Council of Agriculture first advocated the idea that responsibility for curbing the codlin moth be put in the hands of municipal bodies.<sup>271</sup> In September a more concrete proposal was suggested by the parliamentarians William Dodery and B. S. Bird.<sup>272</sup> They suggested that all the existing municipal districts become fruit boards, with all expenses borne by the councils and inspection carried out by municipal police. In non-municipal areas, the existing fruit-boards would continue but could not appoint inspectors or collect levies; instead territorial police would inspect orchards, and the

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<sup>266</sup> *Mercury*, 1 September 1898 'Codlin Moth Bill' by F.W. Piesse; 30 October 1898; AOT, Port Cygnet Fruit Board: Minutes of Meetings (Ref: LA 54/2/2) 30 August 1898.

<sup>267</sup> *DT*, 1 May 1889.

<sup>268</sup> AOT, Queensborough Fruit Board: Minutes of Meetings (Ref: LA 52/1) 27 August 1906.

<sup>269</sup> *Mercury*, 14 April 1904.

<sup>270</sup> See *DT*, 30 May 1901 'Insect Pests and Fruit Boards' by Another Fruitgrower.

<sup>271</sup> *DT*, 25 May 1893; *Mercury*, 15 August 1893.

<sup>272</sup> W. Dodery and B. S. Bird to Premier, 20 September 1893; AOT, Treasury Correspondence Files: Codlin Moth (Ref: TRE 1/1/1563).

governments bear all expenses.<sup>273</sup> The commissioner of police would become the new Chief Inspector. The scheme was greeted unfavourably by fruitgrowers, especially those in non-municipal areas, who still wanted some control over inspectors.<sup>274</sup> Still, the idea that responsibility for the pest be placed in the hand of municipal authorities was considered better than centralization by members of the fruit boards, and so it was municipalities rather than the government which eventually took up the challenge of defeating the codlin moth from 1907.

Although they had a detrimental effect on the pastoral and fruit industries of the colony, the rabbit and codlin moth pests played an important role in reforming Tasmania's system of local government. Both exposed all the limitations of the permissive system of local government: in this case small boards hampered by inadequate funds, an absence of popular support, and often a lack of accountability to those persons under their jurisdiction. The system of local elective boards was tried twice in regard to the rabbit problem, and once with regard to the codlin moth, but failed to bring about a decrease in the numbers of either pest. However centralization — giving responsibility for eradicating pests to a government department — was also tried in both cases and failed. This was due to an unwillingness of the government to fund an adequate staff of inspectors, and a desire from landowners for some sort of local discretion over the best means of countering the pests. In order to promote local control and financial responsibility for pest eradication it was considered best to hand over the problem to the local body with enough resources to carry out the task effectively. This body was the municipal council.

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<sup>273</sup> *ibid.*

<sup>274</sup> See *DT*, 29 September 1893.

But by the early 1900s the rabbit and codlin moth problem had spread statewide, and effective pest control required comprehensive municipal government. By exposing the limitations of the existing permissive system, the pest problem therefore acted as an impetus towards local government reform.

## **Chapter Six: A Blow to Municipal Government or a Most Useful Measure? : the Town Board System 1884-1907**

Despite its huge landmass, Australia has always had a predominantly urbanized population.<sup>1</sup> Townships of significant size emerged in the convict period in places such as Sydney, Melbourne, Perth and Brisbane. Other townships such as Bathurst, Ballarat, Bendigo and Broken Hill appeared in the 1850s as a result of the gold boom.<sup>2</sup> Frost states that by 1851 40% of the Australian population lived in towns with a population above 2500, the figure reaching 49% by 1891.<sup>3</sup> By 1901 one-third of the population of the country lived in the capital cities alone.<sup>4</sup> Little wonder that the economic historian N. G. Butlin claimed that ‘the process of urbanization is the central feature of Australian history, overshadowing rural economic development and creating a fundamental contrast with the economic development of other “new” colonies’.<sup>5</sup>

In Tasmania, most of the urban population of the colony during the convict period was located in Launceston and Hobart. But there were other significant townships in the rural interior such as Bothwell, Evandale, Campbell Town, Deloraine, New Norfolk and Richmond.<sup>6</sup> Walch’s Almanac of 1869 estimated the population of these towns to be approximately 539 (Bothwell), 473 (Evandale), 750 (Campbell Town), 800 (Deloraine), New Norfolk (870), and 503 (Richmond).<sup>7</sup>

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<sup>1</sup> J. W. McCarty, ‘Australian Capital Cities in the Nineteenth Century’, *Australian Economic History Review*, 10(2), 1970, p107; S. Glynn, *Urbanization in Australian History 1788-1900*, (Melbourne 1975) pp. 2-3.

<sup>2</sup> R. Waterhouse, *The vision splendid: a social and cultural history of rural Australia*, (Fremantle 2005) p. 33.

<sup>3</sup> L. Frost, *Australian Cities in Comparative Review* (Ringwood, Vic 1990) p. 17.

<sup>4</sup> *ibid.*, p. 16.

<sup>5</sup> N. G. Butlin, *Investment in Australian Economic Development 1861-1900*, (Cambridge 1964) p. 6.

<sup>6</sup> G. Davison, ‘Urbanisation’, in A. Alexander (ed.), *The Companion to Tasmanian History* (Hobart 2005) p. 91.

<sup>7</sup> *Walch’s Almanac*, 1869.

Given the historical link between the growth of towns and municipal government, it was no surprise that nearly all of the prominent towns in the rural interior at the beginning of self-government in Tasmania became the centres of rural municipalities established between 1860 and 1866. Although the nineteen rural municipalities covered most of the settled portion of the colony during the 1860s, it was expected that once towns in non-municipal areas became sufficiently advanced they too would become the heart of new rural municipalities. Therefore a scenario similar to Victoria, where the gold rush saw the gradual extension of municipal government all over the colony, would be replicated in Tasmania.<sup>8</sup>

However, the growth of townships in non-municipal areas of the colony from the 1870s did not produce any new rural municipalities. While there were movements for municipalities in some areas, most townships in the ‘forested fringes’ of the colony avoided the financial burdens that came with municipal government.<sup>9</sup> But this did not mean that residents of these townships were spared the burdens that come with urbanization — overcrowding, pollution, sanitation problems and illness. Indeed it was because of increasing problems with public health that the Douglas ministry (1884-1887) decided to utilize the flexibility granted by the permissive system of local government and create a new local body to serve the needs of towns that did not opt for municipal government. With an Act in 1884 the government introduced town boards into the colony.<sup>10</sup>

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<sup>8</sup> A. Davies, *Local Government in Victoria*, (Melbourne 1951) p. 13.

<sup>9</sup> G. Rootes, ‘Local Government Reform in Tasmania 1906-1939: with special reference to the North West Coast’, (MA Thesis, University of Tasmania 2004) pp. 36-46.

<sup>10</sup> *Town Boards Act* 1884.

No in-depth studies have been written on the history of the town board system. In his *A Guide to Tasmanian Administration*, Wettenhall notes that they 'were vested with several of the powers and duties of municipal councils to be exercised within proclaimed town limits, and could levy a rate accordingly'.<sup>11</sup> Von Stieglitz devotes only a couple of pages in his history of local government in Tasmania to their existence, and lists from the legislation the duties that they were expected to do.<sup>12</sup> The remaining references are to be found in local histories, which often just list prominent members and a few accomplishments by individual boards.<sup>13</sup> The exception is Alison Alexander's *The Eastern Shore: a history of Clarence*, which gives a good outline of the work of the Bellerive and Lindisfarne Town Boards.<sup>14</sup>

An account of the whole town board system, however, is lacking. Therefore, the purpose of this chapter is to present a brief history of the town board system that existed in the colony between 1885 and 1907. Focusing particularly on the activity of town boards, their accomplishments and failings, the chapter will detail the important role the town board system fulfilled, not just as a part of the permissive system of local government, but in bringing about comprehensive reform.

The chapter will argue that as a result of rapid expansion during the 1870s and 1880s many towns in non-municipal areas experienced numerous public health problems, such

<sup>11</sup> R. L. Wettenhall, *A Guide to Tasmanian Administration*, (Hobart 1968) p. 313.

<sup>12</sup> K. R. Von Stieglitz, *A History of Local Government in Tasmania : from the earliest settlement of Van Diemen's Land to the present time*, (Hobart 1958) pp. 67-70.

<sup>13</sup> See C. Ramsay, *With the Pioneers*, (Latrobe 1980) p245; A. Alexander, *Glenorchy, 1804-1964*, (Glenorchy 1986) p. 89; W. G. Winter, *A Town Called Burnie: nomenclature with origins*, (Burnie 1977) p12; J. R. Skemp, *A History of the North West Coast: printed in Tasmanian Education 1962-5*, (Tasmania 1962-65) p. 40, 196, 203; K. Pink, *Campsite to City: a history of Burnie 1827-2000*, (Burnie 2000) pp. 66-68; C. Smith, *Town with a history, Beaconsfield Tasmania : in the parish of Philips Norton in the county of Devon, in the state of Tasmania*, (Beaconsfield 1978) p. 45; E. Hookway, J. Jennings and P. Page, *Scott's New Country: reflections of Scottsdale from its origins to the present*, (Scottsdale 1980) pp. 80-81; D. H. Meltcalfe, *A History of Mount Stuart*, (North Hobart 2001) pp 22-23; A. Hudspeth, *Lindisfarne Historical Research: an outline history of the development of Lindisfarne*, (Lindisfarne 1992) p. 7-8.

<sup>14</sup> A. Alexander, *The Eastern Shore: a history of Clarence*, (Rosny Park 2003) pp. 69-73, 75-77.

as illness, poor drainage and impure water supply, and suffered from a lack of public amenities such as lighting, formed streets and footpaths. In response to these problems, town inhabitants established progress and improvement associations to carry out works and lobby the government for more funding and services. The result achieved by these associations, however, was limited, partly because of the inadequate funds at their disposal, and their lack of borrowing powers. Also contributing was the government's refusal to pay for public works of a local nature, and its insistence that works of this kind were the responsibility of local government bodies. This led to inhabitants of some towns petitioning the government to form town boards so large improvements could take place. Between 1885 and 1903 twenty-five town boards were established around the colony.

The boards carried out a wide range of improvements in areas such as drainage, street construction, water supply, lighting and sanitation. In 1894 this prompted F. W. Piesse, member for Buckingham, to tell the Legislative Council that 'the work done by the boards was good enough to stamp the Act which called them into existence as a most useful measure'.<sup>15</sup> However, some boards were limited in what they could do by a lack of revenue, while other boards carried out improvements only by borrowing heavily, incurring large debts and interest repayments that curtailed their spending on other works.

Several solutions were put forward to solve the financial plight of the town board system, including transforming town boards into bigger, more populous, municipal councils. This was a proposal favoured by a number of the colony's politicians from the 1890s. They were concerned, not so much with the work carried out by the boards, but with the issue of whether the continued existence of town boards would prevent the

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<sup>15</sup> *Mercury*, 27 July 1894.



expansion of municipal government throughout the colony. Several members spoke of the creation of town boards as being 'a blow to municipal government'.<sup>16</sup> By the time of Federation the poor financial position of many boards strengthened the stance of those who argued that they should be formed into bigger units with more financial resources to carry out public works. Despite the wish of many boards to remain separate from municipalities, the town board system was seen as an obstacle to the spread of municipal government in the fledgling State, in a time when the winds of change were blowing in favour of comprehensive municipal reform.

*Public Health, Progress Associations, and the Town Boards Act 1884*

There were two great demographic changes in the latter half of the nineteenth century in Tasmania. The first was a broad shift in population from the South to the North of the Colony. Where 52% of the colony's population lived in the South-East quarter of the island in 1870, by 1901 the same area contained around 38% of the population.<sup>17</sup> The second change was the dispersal of population away from the urban centers of Hobart and Launceston to the rural interior and forested fringes of the colony.<sup>18</sup> In 1861 the electoral districts of Hobart and Launceston contained 33% of population, 30% in 1870, 29% in 1891 and 25% by 1901.<sup>19</sup> The regions that received the external and internal migrants were the North-East, West Coast, and North West.<sup>20</sup>

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<sup>16</sup> *Mercury*, 3 September 1890, 8 October 1890.

<sup>17</sup> G. Blainey, 'Population Movements in Tasmania, 1870-1901', *Tasmanian Historical Association Papers and Proceedings*, (THRAPP) 3(3) 1954, p. 69.

<sup>18</sup> *ibid.*, p. 64.

<sup>19</sup> *Statistics of Tasmania*, 1861, 1870, 1891, 1901.

<sup>20</sup> Blainey, 'Population Movements in Tasmania, 1870-1901', p. 63.

The growth in population of these areas occurred primarily in the 1870s, as a result of the mining boom and small farmers taking advantage of relaxed conditions of the *Waste Lands Act* to settle vacant crown land in the Mersey district of the North West.<sup>21</sup> More than six thousand people settled in the mining areas of Beaconsfield, Fingal and Mount Bischoff by the early 1880s, while the population of the North West swelled by more than five-thousand.<sup>22</sup> The most significant feature of this new settlement was the growth of large townships in the interior of the colony. As Blainey notes, 'in 1870, a majority of Tasmanians lived on farms or in small townships of less than a hundred people. Eleven years later, when the census specifically counted town-dwellers for the first time, 47.5 per cent of the population lived in towns and cities of more than a hundred people'.<sup>23</sup>

Blainey further records that during the 1880s 'the drift to the towns was the outstanding feature of the decade....in ten years the number of towns and villages with more than a hundred inhabitants increased from forty-three to seventy-nine, and their total population increased by nearly twenty-seven thousand'.<sup>24</sup> The most dramatic increases occurred on the North West and West Coasts, and by 1891 Devonport had a population of 1805, Latrobe 1560, Ulverstone 1129, Burnie 981, Stanley 400, Zeehan 1965, Dundas 1080 and Strahan 561. In the North-East, Beaconsfield had a population of 1584, Scottsdale a population of 590. There were also sizeable numbers in the suburbs or on the outskirts of the main cities — Invermay 882, Trevallyn 256, New Town 2288, Wellington Hamlets 704 and Glebe 643.<sup>25</sup>

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<sup>21</sup> H. J. W. Stokes, 'North West Tasmania 1858-1910: the establishment of an agricultural community' (Unpublished PhD The Australian National University 1969) Chp. 2.

<sup>22</sup> Blainey, 'Population Movements in Tasmania, 1870-1901', p. 63.

<sup>23</sup> *ibid.*, p. 69.

<sup>24</sup> *ibid.*, p. 66.

<sup>25</sup> 'Statistics of Tasmania for 1891', *Tasmania: Journals and Printed Papers of Parliament* JPPP(Tas.), 1892, paper no. 124 pp. 88-89.

The rapid growth of population in townships during the 1870s and 1880s soon created numerous problems. The most apparent and troublesome was sanitation. When fecal matter was often dumped in cess-pits in backyards or vacant blocks; rubbish was stockpiled or discarded indiscriminately; houses were built in an *ad-hoc* manner next to abattoirs, piggeries or dairies; and water or refuse allowed to pool because of poor drainage, the rapid growth of townships brought with it an increased likelihood of diseases such as diphtheria, typhoid and scarlet fever.<sup>26</sup> As the *Zeehan and Dundas Herald* pointed out in regards to Zeehan:

It is only necessary for any observant person to walk through our town and notice large stables placed in close vicinity to houses, towards which the whole drainage of the stables tend in a sickening stream of polluted mire. It is only necessary to visit the back portions of some of our more pretentious looking buildings and there will be found stagnant pools of slops, surrounded by heaps of house refuse, and in whatever part of our town we turn, fresh evidence is found of each one of us adding our quota towards a general preparation of a visit from the fever fiend.<sup>27</sup>

Along with illness, other problems that confronted the inhabitants of the new towns were crime and a lack of public amenities such as formed streets, footpaths and lighting that provided a level of comfortable existence.<sup>28</sup> Under the *Police Act* 1865, in towns without municipal government, the responsibility for town improvements fell to stipendiary magistrates and justices of the peace along with local constables appointed by the government. They were empowered to carry out and charge to the general revenue tasks such as forming streets and footpaths, impounding stray animals, inspecting drains, privies and cess-pits, and providing lighting as well as appointing officers of health.<sup>29</sup> While this was an adequate arrangement for the then rudimentary settlements existing

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<sup>26</sup> AOT, Glebe Board of Health: Minutes 1889-1905 (Ref: LA 90/3/1) [typhoid] 2 July 1889, 7 January 1891, 30 July 1891, 3 September 1891; [diphtheria] 29 December 1892, 31 August 1893, 14 May 1896.

<sup>27</sup> *Zeehan and Dundas Herald* (ZDH), 18 March 1891.

<sup>28</sup> see 'Territorial Police: inspector's report 1880-81', *Tasmanian House of Assembly Journals*, 1881, paper no. 106 p. 3; 'Territorial Police: report for 1881', *ibid.*, 1882, paper no. 38 p. 3; 'Territorial Police: inspector's report', *ibid.*, 1883, paper no. 34 p. 3; *Devon Herald*, 18 May 1881, 4 January 1882.

<sup>29</sup> *Police Act* 1865.

outside the nineteen rural municipalities, by the 1880s it was beyond the capacity of local police to ensure law and order as well as tend to the needs of rapidly-expanding towns. In response, local residents began to form progress and improvement associations to provide amenities or to press government for more funding and services.

From the late-1870s associations of this sort were formed in many towns in non-municipal areas of the colony. Improvement associations were established in Devonport,<sup>30</sup> Ulverstone,<sup>31</sup> Latrobe,<sup>32</sup> Beaconsfield,<sup>33</sup> Torquay,<sup>34</sup> Penguin,<sup>35</sup> Beltana<sup>36</sup> and George Town.<sup>37</sup> Progress associations were created in Scottsdale,<sup>38</sup> Formby,<sup>39</sup> Wynyard,<sup>40</sup> Linda,<sup>41</sup> Mathina,<sup>42</sup> Stanley<sup>43</sup> and Myalla.<sup>44</sup> Progress committees were

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<sup>30</sup> *North West Post* (NWP), 19 March 1895, 7 September 1895, 9 September 1899, 25 February 1904, 13 December 1905.

<sup>31</sup> *Coastal News*, 20 September 1890, 4 October 1890, 11 October 1890, 22 November 1890, 27 December 1890, 3 October 1891, 14 November 1891; *Examiner*, 14 August 1890, 28 August 1890, 29 August 1890.

<sup>32</sup> *Mercury*, 20 October 1879, 25 October 1879, 10 November 1879; *North West Chronicle* (NWC), 7 November 1887, 9 November 1887, 16 November 1887, 23 November 1887, 8 February 1888, 21 March 1888.

<sup>33</sup> *Examiner*, 13 May 1898.

<sup>34</sup> *NWP*, 3 July 1888.

<sup>35</sup> *Daily Telegraph* (DT), 16 March 1899, 4 August 1899, 8 September 1899, 9 November 1899, 23 May 1900, 12 June 1900, 29 August 1900, 3 September 1900, 24 October 1900, 17 October 1903.

<sup>36</sup> *Mercury*, 10 August 1899.

<sup>37</sup> *Examiner*, 4 January 1900, 3 August 1901, 11 February 1902.

<sup>38</sup> *Examiner*, 25 September 1905.

<sup>39</sup> *DT*, 21 September 1887, 27 September 1887, 30 September 1887, 11 October 1887, 9 November 1887, 12 January 1888, 1 March 1888, 8 March 1888, 27 April 1888, 21 September 1888, 24 October 1888.

<sup>40</sup> *Examiner*, 10 July 1903, 12 August 1903, 4 November 1903, 30 January 1904, 2 March 1904, 4 April 1904, 13 February 1905, 16 June 1905, 13 April 1907.

<sup>41</sup> *Mount Lyell Standard* (MLS), 15 June 1900, 22 September 1900, 9 October 1900.

<sup>42</sup> *Examiner*, 27 June 1904, 4 July 1904, 25 July 1904, 1 August 1904, 8 August 1904, 22 August 1904, 25 August 1904, 29 August 1904, 12 September 1904, 19 September 1904, 23 September 1904, 30 September 1904, 10 October 1904, 11 October 1904, 14 October 1904, 18 October 1904, 31 October 1904, 14 November 1904, 18 November 1904, 12 December 1904, 16 December 1904, 19 December 1904, 28 January 1905, 17 February 1905, 10 March 1905, 29 March 1905, 1 June 1905, 11 August 1905.

<sup>43</sup> *North Western Advocate* (NWA), 13 June 1903.

<sup>44</sup> *NWA*, 4 July 1907.

formed in Dundas,<sup>45</sup> Zeehan,<sup>46</sup> Gormanston,<sup>47</sup> Queenstown,<sup>48</sup> Wilmot,<sup>49</sup> Kelly's Basin,<sup>50</sup> Argenton,<sup>51</sup> Penghana<sup>52</sup> and Mount Farrell.<sup>53</sup> Finally, there were also progressive leagues formed at Smithton,<sup>54</sup> Camp Creek<sup>55</sup> and Duck River.<sup>56</sup>

These associations were active in many areas of town improvement such as tree-planting;<sup>57</sup> improving recreation grounds;<sup>58</sup> establishing fire brigades,<sup>59</sup> cemetery trusts,<sup>60</sup> public libraries and reading rooms,<sup>61</sup> debating clubs and benevolent societies;<sup>62</sup> erecting bathing sheds on beaches;<sup>63</sup> discussing legislation pertinent to the town or region;<sup>64</sup> and pressing government for better services such as increased police protection,<sup>65</sup> mail delivery<sup>66</sup> or telegraph/telephone communication.<sup>67</sup> Money for this work came from

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<sup>45</sup> *ZDH*, 10 July 1891, 24 July 1891, 10 August 1891, 21 August 1891, 28 August 1891, 4 September 1891, 3 April 1897.

<sup>46</sup> *ZDH*, 25 March 1891, 30 March 1891, 1 April 1891, 3 April 1891, 8 April 1891, 15 April 1891, 10 June 1891, 3 July 1891, 17 July 1891, 29 July 1891, 31 July 1891, 5 August 1891, 12 August 1891, 14 August 1891, 19 August 1891, 26 August 1891, 26 August 1891, 2 September 1891, 9 September 1891.

<sup>47</sup> *MLS*, 28 November 1896, 12 December 1896, 3 January 1897, 13 February 1897, 22 May 1897, 26 June 1897, 23 February 1898, 11 June 1898, 30 November 1898, 29 October 1898, 29 October 1900, 3 November 1900.

<sup>48</sup> *ZDH*, 25 January 1896, 6 February 1896, 21 February 1896, 8 April 1896, 13 April 1896, 28 April 1896, 6 May 1896, 9 June 1896, 23 June 1896, 15 August 1896, 18 August 1896.

<sup>49</sup> *NWP*, 27 June 1899, 8 July 1899.

<sup>50</sup> *MLS*, 7 August 1901, 28 August 1901, 14 September 1901, 14 October 1901, 11 November 1901, 2 December 1901, 3 February 1902, 18 March 1902, 10 April 1902, 21 May 1902.

<sup>51</sup> *ZDH*, 9 March 1892, 15 March 1892, 18 March 1892.

<sup>52</sup> *ZDH*, 9 July 1896; *Mercury*, 19 July 1895.

<sup>53</sup> *ZDH*, 12 September 1900.

<sup>54</sup> *Examiner*, 1 July 1899, 25 July 1899, 10 August 1899, 21 August 1899, 25 August 1899.

<sup>55</sup> *NWA*, 15 December 1905.

<sup>56</sup> *Emu Bay Times* (EBT), 29 June 1899, 4 July 1899, 27 July 1899, 10 August 1899; *Mercury*, 17 June 1902, 6 April 1904.

<sup>57</sup> [Penguin Improvement Association] *DT*, 4 August 1899; [George Town Improvement Association] *DT*, 29 December 1899.

<sup>58</sup> [Latrobe Improvement Association] *NWC*, 8 February 1888.

<sup>59</sup> [Queenstown Progress Committee] *MLS*, 6 March 1897.

<sup>60</sup> [Kelly's Basin Progress Committee] *MLS*, 14 September 1901, 14 October 1891.

<sup>61</sup> [Mathina Progress Association] *Mercury* 1 August 1904.

<sup>62</sup> [Latrobe Improvement Association] *NWC*, 23 November 1887.

<sup>63</sup> [Penguin Improvement Association] *DT*, 23 May 1900, 12 June 1900, 29 August 1900, 3 September 1900.

<sup>64</sup> [Latrobe Improvement Association] *DT*, 18 March 1896.

<sup>65</sup> [Mount Farrell Progress Committee] *ZDH*, 12 September 1900.

<sup>66</sup> [Wynyard Progress Association] *NWA*, 21 November 1904.

<sup>67</sup> [Camp Creek Progressive League] *NWA*, 15 December 1905.

subscriptions and fundraising, such as holding bazaars, run by energetic women's committees.

For all their endeavours, however, progress and improvement associations were restricted in carrying out important works that would improve public health in towns, such as drainage and sewerage, by a lack of substantial funds and, most importantly, by an inability to borrow money for such amenities. Pressing parliament for expenditure on town improvements was a long and often unsuccessful process because, as we saw in chapter three, by the 1880s public works of a purely local character were deemed the responsibility of local bodies. The sole local body in most of these towns was the road trust, which could levy rates and borrow money for road maintenance purposes only. With the inhabitants of the new towns displaying no great enthusiasm for or urgency in forming rural municipalities, the recently-elected Douglas government decided in 1884 to create a new local body to serve the needs of the burgeoning town population of the colony.

Introducing a bill for this purpose to parliament in November 1884, the Minister for Lands and Works N. J. Brown said it provided the 'means by which towns such as Latrobe, Waratah and Beaconsfield could appoint a town board, consisting of about five members, to carry out such sanitary arrangements and such business as could now be carried out by municipal councils in municipal districts'.<sup>68</sup> Lending his support to the measure, Dr. W. L. Crowther in the Legislative Council remarked that 'much of the disease in the colony had resulted from the neglect of all sanitary precautions in the small

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<sup>68</sup> *Mercury*, 5 November 1884.

villages, and there had been no means of remedying such a state of affairs'.<sup>69</sup> The bill passed through both chambers without much comment.

The *Town Boards Act* 1884 was short, containing only 24 clauses. It enabled ten persons residing in a town proclaimed under the *Police Act* 1865 to petition the government for the formation of a town board of either three or five trustees. The election of these trustees was to be held in accordance with the recently passed *Rural Voting Act* 1884, which enshrined a system of plural voting with the maximum number of votes able to be exercised by any one person capped at seven.<sup>70</sup> Town boards were empowered to exercise the duties laid out in Part III of the *Police Act* 1865 under the heading of 'health and improvement of towns', such as appointing officers of health, forming streets and footpaths, drainage, lighting, fire prevention and water supply.<sup>71</sup> The boards were expected to act 'in as full and ample manner as if such board were a municipal council'.<sup>72</sup> To raise funds, boards were able to levy a town rate to fulfil the purposes of the Act, which was not to exceed 1s.

In 1885, a further amendment was passed by parliament rectifying oversights in the original legislation. One provision allowed town boards to raise loans for improvements, another declared all town boards were to act as a *de facto* road trust, able to levy a separate annual road rate and receive government road subsidies.<sup>73</sup> The *Public Health Act* 1885 also directed all town boards to become local boards of health, able to take action against noxious trades, removal of night-soil and dwellings unfit for habitation.<sup>74</sup>

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<sup>69</sup> *Mercury*, 14 November 1884.

<sup>70</sup> The scale of voting was under £30 1 vote; £30 – £79 2 votes; £80– £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 – £459 6 votes; £460 + 7 votes, *Rural Voting Act* 1884.

<sup>71</sup> *Police Act* 1865.

<sup>72</sup> *Town Boards Act* 1884.

<sup>73</sup> *Town Boards Act Amendment* 1885.

<sup>74</sup> *Public Health Act* 1885.

The *Examiner* welcomed the advent of town boards: ‘the necessity had long been felt for some measure by which centers of population such as Waratah, Latrobe, Beaconsfield and other townships might secure some of the powers of municipal corporations without the extended jurisdiction and comparatively expensive machinery required under the *Rural Municipalities Act*’.<sup>75</sup> The *Daily Telegraph* added that ‘it would be well for the inhabitants of the larger towns in the rural police districts to make themselves acquainted with the privileges conferred upon them by this Act, in order that they may determine upon the expediency or otherwise of accepting the proffered power to form such boards’.<sup>76</sup>

The first town to take advantage of the Act was Glebe, on the outskirts of Hobart, in July 1885.<sup>77</sup> Desirous of obtaining better roads, drainage and lighting, Reverend J. W. Simmons told a public meeting in the small town about to elect its first trustees that ‘they were carrying out a miniature form of municipal government, and the example they set would be a pattern to townships in other parts of Tasmania wherein similar action was needed’.<sup>78</sup> Other boards were soon formed at Trevallyn, a suburb of Launceston, in December 1886,<sup>79</sup> and Ellesmere (name later changed to Scottsdale)<sup>80</sup> in the North East in March 1887.<sup>81</sup>

In 1888, two new boards were formed in the North West. The first, at Formby, was the result of a two year campaign by the Formby Progress Association to secure a board

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<sup>75</sup> *Examiner*, 23 March 1885.

<sup>76</sup> *DT*, 28 January 1885.

<sup>77</sup> *Hobart Town Gazette (HTG)*, 14 July 1885.

<sup>78</sup> *Mercury*, 29 July 1885.

<sup>79</sup> *HTG*, 14 December 1886.

<sup>80</sup> *HTG*, 28 March 1893.

<sup>81</sup> *HTG*, 22 March 1887.



to improve the town's water supply and drainage.<sup>82</sup> This was necessary, as a correspondent to the *North West Post* put it, 'if we want to attract visitors to our town during the summer months'.<sup>83</sup> A Formby Town Board was proclaimed in May 1888,<sup>84</sup> with a majority of its new trustees members of the Progress Association.<sup>85</sup> In the same month Formby's neighbour Ulverstone also established a town board,<sup>86</sup> in response to several outbreaks of disease due to poor drainage.<sup>87</sup> In 1889 two more boards were formed at Carnarvon,<sup>88</sup> near Port Arthur, and in Sheffield in the North West.<sup>89</sup>

After just over a year in existence members of the Formby Town Board urged inhabitants of Torquay, on the Eastern side of the Mersey River, to unite with it to form a larger township to be called Devonport. The proposal had been discussed since the early 1880s,<sup>90</sup> but had been resisted by Torquay residents worried that union with Formby would bring high rates but no works for their settlement.<sup>91</sup> Proponents from Formby stressed the advantages that a bigger town would achieve — greater resources and borrowing powers, more political clout — but were unwilling to force Torquay residents into an arrangement they did not want.<sup>92</sup> Eventually, a compromise was reached whereby Torquay, despite Formby having the greater population and proportion of rates, would be given equal representation on any future board.<sup>93</sup> The Devonport Town Board was

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<sup>82</sup> *Devon Herald*, 15 October 1886; *Examiner* 18 October 1886, 6 November 1886, 26 November 1886, 15 January 1887, 28 January 1887; *DT*, 11 October 1887; *NWP*, 3 May 1888.

<sup>83</sup> *NWP*, 2 July 1887 'Formby Town Board' by Progress.

<sup>84</sup> *HTG*, 15 May 1888.

<sup>85</sup> *NWP*, 7 June 1888.

<sup>86</sup> *HTG*, 22 May 1888.

<sup>87</sup> *NWC*, 30 March 1888; *NWP*, 29 March 1888; *Examiner* 14 April 1888.

<sup>88</sup> *HTG*, 23 July 1889.

<sup>89</sup> *HTG*, 12 November 1889.

<sup>90</sup> *Mercury*, 10 May 1888; *DT*, 10 February 1887.

<sup>91</sup> See Rootes, 'Local Government Reform in Tasmania 1906-1939' pp. 43-46.

<sup>92</sup> *NWP*, 25 September 1888, 29 September 1888, 4 October 1888, 16 October 1888.

<sup>93</sup> *Devonport Town Board Act* 1889.

proclaimed in January 1890,<sup>94</sup> followed shortly by boards created at Strahan,<sup>95</sup> on the West Coast, in June 1890, and at Mount Stuart, just south of Hobart, in July 1891.<sup>96</sup>

By 1891 there were nine town boards in existence, three in the South, three in the North West, two in the North, and one on the West Coast. Other boards had been mooted in towns such as Torquay,<sup>97</sup> Penguin,<sup>98</sup> Sandy Bay,<sup>99</sup> Derby<sup>100</sup> and St. Helens.<sup>101</sup> Even the residents of the Longford township raised the issue of seceding from the Longford Rural Municipality and forming a town board, aggrieved that country members of that municipality were blocking town improvements such as lighting and water supply.<sup>102</sup> In 1887 three boards had an annual value of £6625 and total revenue from rates of £327.<sup>103</sup> Two years later seven boards had an annual value of £12,362, a total revenue from rates of £385, and had borrowed £2000 for works.<sup>104</sup> By 1891 nine boards had a total annual value of £29,756, a slightly increased rate revenue of £689, and had borrowed £3224 for works.<sup>105</sup> Despite such a modest beginning, the *Examiner* praised the emergence of the town board system:

The design of the *Town Boards Act* was to give local self-government to districts not sufficiently large to be declared municipalities. For some time after the proposal became law there was every appearance of the result being a dead letter, if men could not be called warden and councillors, they did not care to be named chairman and members of a board. After some delay, the statute was put in force and....notwithstanding inevitable difficulties town boards are destined to advance. Local government reduced to a simple form is what colonists require, and recent legislation is a step in the right direction. A determined mind is omnipotent, and a few men bonded together may plant trees, make drains, settle roads,

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<sup>94</sup> *HTG*, 6 January 1890.

<sup>95</sup> *HTG*, 17 June 1890.

<sup>96</sup> *HTG*, 7 July 1891.

<sup>97</sup> *Examiner*, 3 February 1887.

<sup>98</sup> *DT*, 8 March 1890, 25 July 1890.

<sup>99</sup> *Mercury*, 8 October 1891, 7 May 1892, 6 May 1892, 4 June 1892.

<sup>100</sup> *HTG*, 12 July 1887.

<sup>101</sup> *Mercury*, 5 May 1888, 27 February 1890.

<sup>102</sup> *Examiner*, 8 June 1883, 6 July 1883, 5 December 1884, 6 February 1885, 2 September 1887.

<sup>103</sup> *Statistics of Tasmania*, 1887, p. 252.

<sup>104</sup> *Statistics of Tasmania*, 1889-90, p. 275.

<sup>105</sup> *Statistics of Tasmania*, 1891 p. 286.

light streets, raise buildings – in a word – the wilderness may become as a city, and the desert may rejoice and blossom as the rose’.<sup>106</sup>

In September 1890, the Fysh government sought to consolidate the existing Act and introduce some improvements. The principal change was greater borrowing powers. Boards to that point had only been able to borrow up to £2000. The new bill enabled them to borrow up to ten times that amount if their revenue was sufficient to support such a loan. To assist the boards with obtaining more revenue, the government proposed increasing the maximum town rate from 1s to 1s 6d. Boards would also be able to conduct their own assessments, where previously they had relied on rolls prepared annually for police purposes.<sup>107</sup> To facilitate the creation of more boards, the government also wanted to include a number of towns without boards in the legislation, requiring a petition from ten inhabitants to bring the board into existence. Just exactly what towns were to be included was a sticking point with members of the Legislative Council, with the government open to the possibility of allowing towns within municipal areas to form town boards if they wished. A majority of members of the Legislative Council, on the other hand, wanted only towns in non-municipal areas of the colony included. Unable to reach a satisfactory compromise, the bill lapsed in committee in the upper chamber.<sup>108</sup>

The bill was put to parliament the following year, the government deciding to include only towns in non-municipal areas in the legislation, the exception being Bellerive, part of the Clarence Rural Municipality, which had begun a vociferous campaign to obtain a town board.<sup>109</sup> Passed with little discussion, the bill became the *Town Boards Act 1891*.

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<sup>106</sup> *Examiner*, 25 July 1887.

<sup>107</sup> *Mercury*, 3 September 1890.

<sup>108</sup> *Mercury*, 8 October 1890.

<sup>109</sup> *Mercury*, 29 July 1891, 2 October 1891.

The new Act increased the number of petitioners required to request a town board from ten to fifteen, and boards would only be proclaimed in towns capable of yielding upon a rate of 1s a minimal annual revenue of £200. The franchise was broadened, comprising all males over the age of twenty-one, abolishing the previous requirement that inhabitants needed at least £10 worth of property in order to vote. The number of trustees on each board was increased from three or five to five or seven, because under the existing arrangements, if trustees were absent due to illness, travel or business, boards were often unable to form a quorum to hold meetings. The town rate was increased from 1s to 1s 6d, and boards were able to levy a separate local rate within a defined portion of the town for improvements. The borrowing powers of boards was extended. Boards with an income over £200 per annum for three years were able to raise a loan not exceeding ten times the average annual income of the board, with a proviso that the government could guarantee the interest on such loans if it felt so inclined. Further powers were granted to the boards in areas such as the construction of wharves and jetties; regulation of markets; erection of pounds, abattoirs, baths, gyms and museums; tree planting as well as the establishment of aid and other charitable institutions. Towns were also expected to be responsible for all main roads under their jurisdiction.<sup>110</sup>

This Act was to govern all town boards until 1907, except for an amendment in 1896 further extending the franchise to all males and females over twenty-one, ensuring that all town board elections were held by secret ballot and enabling chairman of boards to receive a salary.<sup>111</sup> In March 1892 the government published a notice proclaiming twelve towns that would come under the Act, only requiring residents to organize an election for

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<sup>110</sup> *Town Boards Act 1891.*

<sup>111</sup> *Town Boards Act 1896.*

the trustees of the first board. The towns were Bellerive, Beaconsfield, Burnie, Invermay, Latrobe, New Town, Queenborough, St. Helens, Waratah, Wellington, Wynyard, and Zeehan.<sup>112</sup> Of these twelve, nine would form boards.

The first four to do so were Bellerive, Queenborough, New Town and Zeehan. The residents of Bellerive had been urging their local body, the Clarence Municipal Council, for an improved supply of water since the late 1870s.<sup>113</sup> The council refused because, unable to borrow money and strike a rate for repayment for only the Bellerive residents, it thought it unfair for country residents to pay for town improvements they would never use.<sup>114</sup> After repeated unsuccessful pleas to the council for expenditure on streets, water supply and drainage, by 1890 residents of the town, led by the Bellerive Improvement Association, sought a town board to carry out the improvements themselves.<sup>115</sup> Facing considerable opposition from the council, who feared that to lose Bellerive would mean the end of the municipality,<sup>116</sup> it took two years for Bellerive residents to obtain their town board.<sup>117</sup> It was finally proclaimed in May 1892.<sup>118</sup>

The same month residents of Queenborough and New Town, suburbs of Hobart, formed town boards.<sup>119</sup> Queenborough residents established theirs in protest against the Hobart City Council. A resolution carried unanimously by a public meeting of local ratepayers vowed 'to select a body to represent us who will not impose these exorbitant taxes, over five shillings in the pound, besides police rate, water rate, real estate duty and

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<sup>112</sup> *HTG*, 22 March 1892.

<sup>113</sup> *Mercury*, 25 April 1879.

<sup>114</sup> *Mercury*, 13 June 1879, 27 June 1879, 11 July 1879.

<sup>115</sup> *Mercury*, 29 July 1890.

<sup>116</sup> *Mercury*, 30 July 1890, 27 May 1891.

<sup>117</sup> *Mercury*, 6 May 1892, 7 May 1892.

<sup>118</sup> *HTG*, 17 May 1892.

<sup>119</sup> *HTG*, 17 May 1892.

road rate'.<sup>120</sup> Two months later, the Zeehan Progress Committee, long desirous of improving streets and the sanitary condition of the booming mining town,<sup>121</sup> prompted a second town board on the West Coast.<sup>122</sup> Following its neighbour's example, the Dundas Progress Association inspired a board in that town in August 1892,<sup>123</sup> to improve streets, lighting and the local water supply.<sup>124</sup>

By 1892, the Act had been in operation for seven years, and fourteen town boards had been established. In the next fifteen years, by contrast, only ten more new boards would be formed. This was due, in part, to the declining economic circumstances of the colony caused by the depression and Federation. As well, the drift of population to towns, so prevalent in the 1880s, had slowed by the 1890s.<sup>125</sup> Boards were formed at Beltana (name later changed to Lindisfarne),<sup>126</sup> near Hobart, in November 1894,<sup>127</sup> and then a year later at Invermay, a suburb of Launceston.<sup>128</sup> The residents of Invermay had considered forming a board in 1890<sup>129</sup> and 1892,<sup>130</sup> but the town was considered not sufficiently developed for the purpose. After discussing and rejecting a proposal to join the Launceston City Council, the Invermay Town Board League was created to establish a board to deal with sanitation, lighting and water supply.<sup>131</sup>

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<sup>120</sup> *Mercury*, 27 May 1892.

<sup>121</sup> *ZDH*, 1 December 1890, 19 December 1890, 29 December 1890.

<sup>122</sup> *HTG*, 19 July 1892.

<sup>123</sup> *HTG*, 2 August 1892.

<sup>124</sup> *ZDH*, 17 February 1892.

<sup>125</sup> Blainey, 'Population Movements in Tasmania, 1870-1901', p. 68.

<sup>126</sup> *HTG*, 18 August 1903.

<sup>127</sup> *HTG*, 6 November 1894.

<sup>128</sup> *HTG*, 17 September 1895.

<sup>129</sup> *Examiner*, 29 August 1890.

<sup>130</sup> *Examiner*, 3 May 1890.

<sup>131</sup> *Examiner*, 20 April 1894; *DT*, 20 April 1894, 12 September 1894.

In the next five years five more boards were formed. In Beaconsfield in the North East,<sup>132</sup> Burnie in the North West,<sup>133</sup> Queenstown<sup>134</sup> and Gormanston<sup>135</sup> at the behest of local Progress Committees on the West Coast,<sup>136</sup> and in Moonah on the outskirts of Hobart in the South.<sup>137</sup> Then there was a lull until 1903, when three more boards were formed at Wellington Hamlets,<sup>138</sup> outside Hobart, after a long campaign by the Women's Sanitary Association;<sup>139</sup> and at Latrobe<sup>140</sup> (due to the endeavour of the local Chamber of Commerce and Latrobe Improvement Association)<sup>141</sup> and Stanley<sup>142</sup> in the North West.

Therefore, a total of twenty-five boards were eventually established under either the 1884 or 1891 *Town Boards Act* (see appendix IV). Two had short lives. The Formby Town Board dissolved itself into the Devonport Town Board, while the Dundas Town Board disbanded after two years' existence when it realized it did not have the financial resources to carry out works or services.<sup>143</sup> Of the twenty-three town boards, 35% were located around Hobart, 26% in the North West, 17% on the West Coast, 9% around Launceston and in the North East respectively, and 4% in the Far South. Other boards

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<sup>132</sup> *HTG*, 3 August 1897.

<sup>133</sup> *EBT*, 15 January 1898, 10 March 1898.

<sup>134</sup> *HTG*, 25 May 1897.

<sup>135</sup> *HTG*, 10 January 1899.

<sup>136</sup> [Queenstown Progress Committee] *MLS*, 23 January 1897, 30 January 1897, 27 February 1897, 13 March 1897; [Gormanston Progress Committee] *MLS*, 12 December 1896, 11 June 1898, 8 October 1898, 30 November 1898, 7 January 1899.

<sup>137</sup> *HTG*, 28 November 1899.

<sup>138</sup> *HTG*, 12 May 1903.

<sup>139</sup> Secretary for Public Works to Mrs Hanaford, President Women's Sanitary Association, 4 November 1897, *AOT*, Public Works Department: Letterbook of Outward Correspondence respecting the organization and administration of town boards 1894-1899 (Ref: PWD 28/1/1); *Mercury*, 30 May 1903 'Wellington Town Board' by Elector.

<sup>140</sup> *HTG*, 3 November 1903.

<sup>141</sup> *NWP*, 26 April 1892, 7 December 1899, 19 June 1900, 2 June 1903.

<sup>142</sup> *HTG*, 3 November 1903.

<sup>143</sup> *ZDH*, 13 May 1893; in three years the board raised only £85 in revenue from rates.

were mooted in places such as Railton,<sup>144</sup> Lefroy,<sup>145</sup> Franklin,<sup>146</sup> Derby,<sup>147</sup> Deloraine,<sup>148</sup> Brown's River<sup>149</sup> and Wynyard.<sup>150</sup> Formed in response to outbreaks of disease and other public health issues related to poor sanitary arrangements, drainage and overcrowding, and often due to agitation by Progress and Improvement Associations anxious to provide a sense of level of comfort for local residents, town boards were expected to be active in many areas of town improvement such as lighting, street repair, drainage and water supply.

Town boards were in fact the middle or second tier of local government in the colony. The lowest and most rudimentary level was the road trust, concerned with one task only, and with limited borrowing powers. The highest level was municipal government, which brought with it considerable financial burdens and responsibilities such as management of police and local justice.<sup>151</sup> Sitting in between was the town board, empowered to carry out most of the duties assigned to municipal councils, but, hoped one correspondent to the *Mercury*, conducting its business in a cheaper and more productive fashion than most of the rural municipalities.<sup>152</sup> Whether the town board system fulfilled these expectations will be the focus of the second part of this chapter.

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<sup>144</sup> *Examiner*, 22 July 1898 'Railton Town Board' by One of the Few Ratepayers Who Signed the Petition.

<sup>145</sup> *Examiner*, 28 April 1896.

<sup>146</sup> *Mercury*, 20 February 1892.

<sup>147</sup> *Examiner*, 29 April 1901, 26 October 1903 'Town Board for Derby' by J. H. Bryant.

<sup>148</sup> *Examiner*, 8 November 1905; 17 November 1905 'Deloraine Town Board' by Jonathan Best; 18 November 1905 'Proposed Town Board for Deloraine' by R. P. Fumage; 23 November 1905 'Town Board for Deloraine' by Jonathan Best; 25 November 1905 'Town Board for Deloraine' by R. P. Fumage; 16 January 1906; 25 January 1906 'Deloraine Municipal Severance' by Beulah; 12 June 1906; *NWA*, 9 November 1905, 12 January 1906, 18 January 1906; *DT*, 9 November 1905, 16 December 1905, 20 January 1906, 13 February 1906.

<sup>149</sup> *Mercury*, 23 May 1896.

<sup>150</sup> *NWA*, 14 November 1903 'Town Board for Wynyard' by A. Prenter; 30 June 1900 'Advance Wynyard' by Ratepayer.

<sup>151</sup> *Examiner*, 20 April 1894; *ZDH*, 24 December 1890.

<sup>152</sup> *Mercury*, 8 January 1898 'Town Board or Municipality' by Rustic.



*The Second Tier of Tasmanian Local Government: the town boards system 1884-1907*

Elections to select new or return old trustees of town boards occurred in April each year. Shortly afterwards, the new board would convene to appoint a chairman, treasurer and secretary; confirm officials such as rate-collectors, inspectors and workmen; and create committees to handle expected board business throughout the year. One committee formed by almost all town boards was a roads committee, charged with fulfilling obligations set out by the *Roads Act 1884*. This included forming, metalling and keeping in good repair all cross and bye-roads that either ran through the town or were situated on its outskirts.<sup>153</sup>

Although town boards were expected to levy a road rate annually to raise funds for road maintenance, like road trusts they were entitled to government subsidies to assist them. Relatively generous in the late 1880s, from the early 1890s, as a result of the government wanting local bodies to bear a greater share of financial responsibility for road maintenance, aid came tied with increasingly stringent conditions. In 1892 the Dobson government decreed that aid to town boards for road purposes would be determined by the road rate struck by each board annually. Boards that levied a road rate of between 6d and 9d would get aid equal to half the money collected by local assessment, boards that levied 9d to 1s a sum two-thirds, and boards that levied the maximum 1s rate would receive equal.<sup>154</sup>

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<sup>153</sup> [Glebe] *Mercury*, 17 January 1896, 6 March 1896, 12 November 1897, 18 March 1898, 16 August 1902, 13 July 1905; [Mount Stuart] *Mercury*, 19 October 1891, 12 February 1894, 13 August 1894, 30 January 1895, 25 February 1895, 16 September 1895, 27 April 1896, 14 November 1896, 10 May 1897, 18 April 1898; AOT, Burnie Town Board: Minutes 1898-1907 (AC 566/2/1-2) 8 September 1898, 8 June 1899, 6 February 1902 19 November 1903.

<sup>154</sup> *Aid to Road Rates Act 1892*.

In 1894 the Braddon government sought further retrenchment. Only town boards that levied the maximum 1s rate would receive a subsidy, and then only half the sum collected by local assessment.<sup>155</sup> In 1897 even more stringent conditions were introduced. Town boards that levied a maximum 1s for four preceding years would receive a sum equal to 9d for every 1s collected by local assessment, 1s levied for three preceding years would produce a sum equal of 6d for every 1s, and every board who levied 1s for two preceding years would receive a sum equal to 3d for every 1s of local rates.<sup>156</sup> Although most town boards levied a maximum 1s road rate, the new conditions resulted in a much reduced amount of road aid for town boards. However, unlike the general experience of road trusts, cuts in aid did not much affect road maintenance carried out by town boards. With considerably less mileage of road under their care, boards were able to adequately look after cross and bye roads from their own revenue.<sup>157</sup>

The most important work carried out by roads committees was the laying out, construction, and maintenance of streets in townships.<sup>158</sup> Well-formed streets were considered essential, giving a town a sense of order and dignity missing when buildings were hastily erected along rudimentary paths. A correspondent to the *Mercury* in 1886 complained about the Glebe that ‘when you enter this new-born embryo city you come into the region of higgledy-piggledy. Here is a fine array of beautiful buildings but as to streets and modern roadway arrangements what a Chinese puzzle! The slimy tracks of a

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<sup>155</sup> *Aid to Road Rates Act* 1894.

<sup>156</sup> *Aid to Road Rates Act* 1897.

<sup>157</sup> [Carnarvon] *Mercury*, 13 July 1891, 8 August 1891, 16 May 1894, 13 October 1894, 26 August 1895; [Beltana] *Mercury*, 17 January 1896, 7 September 1898, 5 January 1899, 3 May 1899, 9 November 1899, 14 March 1900.

<sup>158</sup> [Scottsdale] *Examiner*, 7 July 1890, 9 May 1894, 4 June 1896, 5 August 1896, 5 November 1896, 6 May 1897, 4 November 1901, 8 December 1905, 25 June 1906; [Sheffield] *NWP*, 8 October 1891, 9 March 1893, 8 March 1894, 9 May 1895, 7 September 1899; [New Town] *Mercury*, 29 April 1893, 3 August 1893, 22 September 1893, 23 November 1893, 15 February 1894, 3 May 1895, 3 June 1897, 22 May 1901, 18 May 1904.

snail in all its crooked windings will be a correct photo of the thing, while the very best of these streets are only lanes'.<sup>159</sup> Most town boards paid for small and incremental street improvements from revenue raised by road rates.<sup>160</sup> Other boards, however, borrowed money to complete larger and more ambitious street construction projects.

The Formby Town Board was one of the first boards to do so. In March 1888 it proposed to borrow £2000 to improve all streets in the burgeoning township.<sup>161</sup> The board met opposition from ratepayers and the government, who thought the sum excessive.<sup>162</sup> The proposal was reluctantly dropped.<sup>163</sup> This experience, which highlighted the limited borrowing powers of the board until its ratepayer population grew, prompted the Formby Town Board approaching the residents of Torquay to form the bigger town of Devonport.<sup>164</sup>

Other town boards had more success. Money was borrowed by Ulverstone (£500),<sup>165</sup> Strahan (£1000),<sup>166</sup> Zeehan (£4000),<sup>167</sup> Gormanston (£2000),<sup>168</sup> Burnie (£3000),<sup>169</sup> and Mount Stuart (£2000),<sup>170</sup> for street construction and improvements. Similar plans were floated by Stanley and Queenstown, but the prospect of higher rates saw the plans soon abandoned.<sup>171</sup> Complementing their streets, boards also built footpaths, kerbings and

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<sup>159</sup> *Mercury*, 27 March 1886 'The Glebe' by Civilisation.

<sup>160</sup> [Strahan] *ZDH*, 30 June 1899, 28 July 1899, 5 October 1899, 7 December 1899, 8 February 1900, 15 February 1901; *MLS*, 2 June 1899 14 July 1899, 7 September 1899; [Dundas] *ZDH*, 5 November 1892, 22 November 1892, 26 January 1893, 18 February 1893, 28 March 1893, 11 April 1893, 11 July 1893, 22 August 1893, 26 August 1893.

<sup>161</sup> *DT*, 9 March 1888.

<sup>162</sup> *Examiner*, 10 April 1889, 11 April 1889.

<sup>163</sup> *NWP*, 22 June 1889, 2 November 1889.

<sup>164</sup> *NWP*, 8 June 1899.

<sup>165</sup> *NWP*, 12 August 1890.

<sup>166</sup> *ZDH*, 20 August 1896; *Strahan Town Board Loan Act* 1897.

<sup>167</sup> *ZDH*, 14 July 1897, *Zeehan Town Board Loan Act* 1897.

<sup>168</sup> *MLS*, 28 July 1900; *Gormanston Town Board Loan Act* 1899.

<sup>169</sup> *NWA*, 8 March 1901, 21 November 1903.

<sup>170</sup> *Mercury*, 11 August 1904.

<sup>171</sup> *NWA*, 10 October 1905; *MLS*, 11 September 1897.

gutters. Well-formed footpaths were important, especially in winter, to enable residents to walk around the town without having to dodge puddles of water, mud or slops.<sup>172</sup> In the 1880s and early 1890s most footpaths were constructed with gravel, but from the late 1890s asphalt was increasingly used. Relatively expensive, town boards came to an arrangement with ratepayers to split the cost of asphaltting the footpaths in front of their premises.<sup>173</sup> Kerbing and guttering were built to aid the draining of streets, as well as to assist with the cleansing of slops and other noxious matter from shops and factories.<sup>174</sup> Constructed initially from wood, from the late 1890s new kerbing and guttering was made with cement.<sup>175</sup>

Guttering and kerbing were just part of the work conducted by boards to improve the sanitary conditions of their towns. Such work was the responsibility of health committees, for all intents and purposes local boards of health created by the *Public Health Act* 1885. The first duty of health committees was to appoint a health officer or sanitary inspector, whose job was to investigate sanitary arrangements of householders and businesses; inspect bakeries, dairies, piggeries and slaughterhouses; and recommend and oversee works commissioned by the board.<sup>176</sup> Slaughterhouses, or abattoirs, were a

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<sup>172</sup> [Bellerive] *Mercury*, 27 July 1892, 3 November 1892, 31 May 1893, 12 July 1893, 16 May 1894; [Latrobe] *NWP*, 30 April 1904, 14 May 1904, 13 May 1905, 27 May 1905, 24 June 1905; [Stanley] *NWA*, 22 November 1904, 9 July 1906, 7 August 1906.

<sup>173</sup> [Burnie] *NWA*, 8 January 1904, 22 January 1904, 5 August 1904; [Latrobe] *NWP*, 25 November 1905; [Queenstown] 25 March 1899, 25 August 1899; [Burnie] *NWA*, 8 January 1904, 22 January 1904, 5 August 1904.

<sup>174</sup> [Queenborough] *Mercury*, 31 May 1895, 5 September 1894; [Glebe] *Mercury*, 17 January 1896, 24 February 1896, 18 June 1897, 16 July 1898, 2 October 1899, 20 December 1901, 15 March 1902; [Wellington Hamlets] *Mercury*, 4 August 1905, 11 September 1905.

<sup>175</sup> *AOT*, Ulverstone Town Board: Minutes 1903-1907 (Ref: LA 72/7/1-2) 30 July 1903, 28 April 1904.

<sup>176</sup> [Scottsdale] *Examiner*, 3 August 1898; [Glebe] *Mercury*, 2 April 1892; [Ulverstone] *NWP*, 18 August 1888.

menace to public health and often one of the first tasks of new boards was to close existing slaughterhouses within town boundaries and relocate them outside the town.<sup>177</sup>

Household rubbish too was a problem. Health officers frequently told home-owners to clean up their backyards and remove unwanted material.<sup>178</sup> However, rubbish was often dumped on vacant blocks of land.<sup>179</sup> In response, town boards either created dumps outside town boundaries,<sup>180</sup> or introduced a service whereby contractors or board workmen would collect rubbish left in bins or in a designated area.<sup>181</sup>

Most of the labour of health committees involved works of minor drainage throughout the town.<sup>182</sup> This involved constructing culverts and small *ad-hoc* drains from houses or shops to larger drains along streets or roads, to carry away slops and refuse or prevent stagnating pools of water.<sup>183</sup> While all boards carried out small works of this kind from town rates, some considered borrowing money to provide a comprehensive system. While there were some successful schemes put in place for instance, by the Glebe (£1500),<sup>184</sup> Trevallyn (£1000)<sup>185</sup> and Devonport (£10,000)<sup>186</sup> boards, most plans for comprehensive drainage were either laid aside or rejected by ratepayers.

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<sup>177</sup> [Zeehan] *ZDH*, 7 March 1893, 13 June 1893, 14 November 1893; [Beaconsfield] *Examiner*, 23 December 1897, 5 January 1899; [Burnie] *EBT*, 20 September 1898, 8 October 1898, 5 November 1898.

<sup>178</sup> [Glebe] *Mercury*, 31 July 1896, 14 August 1896, 10 September 1896, 9 April 1897, 10 December 1897.

<sup>179</sup> [New Town] *Mercury*, 20 September 1894, 7 March 1895; [Dundas] *ZDH*, 22 November 1892.

<sup>180</sup> [Scottsdale] *Examiner*, 5 October 1904, *DT* 10 March 1904, 13 April 1904; [Ulverstone] *NWP*, 26 December 1903, 2 April 1904, 20 January 1906; [Devonport] *NWP*, 13 September 1904, 25 October 1904; [Bellerive] *Mercury*, 27 July 1892, 17 June 1897; [Stanley] *NWA*, 18 May 1905.

<sup>181</sup> [Latrobe] *NWP*, 16 April 1904; [Queenstown] *MLS*, 17 July 1897; [Burnie] *NWA*, 22 April 1904, 6 May 1904; [Queenborough] *Mercury*, 7 July 1903.

<sup>182</sup> [Mt. Stuart] *Mercury*, 21 June 1892, 21 May 1894, 13 February 1900, 18 September 1901; [New Town] *Mercury*, 29 April 1893, 20 October 1893, 19 July 1894.

<sup>183</sup> [Devonport] *NWP*, 29 January 1891, 4 June 1891, 30 March 1897; [Strahan] *ZDH*, 9 July 1892, 13 April 1893, 11 August 1899.

<sup>184</sup> *Mercury*, 31 March 1886.

<sup>185</sup> *Examiner*, 9 July 1902; *DT*, 9 April 1902, 5 June 1902, 14 February 1903, 6 May 1903.

<sup>186</sup> *NWP*, 8 October 1903, 19 November 1903.

The Ulverstone board, for example, initially proposed in 1888 to borrow £2000 to drain East Ulverstone.<sup>187</sup> After ratepayers opposed the plan, on the grounds that it would result in an unwarranted increase of rates,<sup>188</sup> it was dropped.<sup>189</sup> A scheme of drainage for the whole town was floated by the board in 1904 only to be deemed beyond the financial means of the board.<sup>190</sup> Similarly, the Strahan, Bellerive, and Zeehan boards desired comprehensive drainage schemes, but, after commissioning plans, judged the task too expensive.<sup>191</sup> The Mount Stuart, Sheffield, New Town and Moonah boards also raised at one time or another the idea of comprehensive drainage, but no action followed.<sup>192</sup>

Vital to the health of towns, and the main reason why some boards were formed, was to secure a supply of fresh water. With the sudden growth of towns in the late 1870s and 1880s residents obtained their water from water-tanks, local rivers or wells and bores. In some cases water-tanks were adequate, but other towns realized that to prevent disease, attract tourists and encourage further population a regular supply of clean water was needed.

Rather than construct their own expensive independent schemes, some boards chose to contract with local municipal councils to provide fresh water. Relationships of this sort were formed by the Trevallyn board with the Launceston Municipal Council,<sup>193</sup> Moonah

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<sup>187</sup> *NWP*, 13 September 1888, 27 September 1888, 29 September 1888.

<sup>188</sup> *NWP*, 11 October 1888.

<sup>189</sup> *NWP*, 20 October 1888.

<sup>190</sup> *NWP*, 27 February 1904.

<sup>191</sup> [Strahan] *ZDH*, 6 September 1900, 20 September 1900, 18 November 1900, 31 January 1901; [Bellerive] *Mercury*, 29 August 1895; [Zeehan] *ZDH*, 4 May 1897, 24 November 1897, 17 May 1904.

<sup>192</sup> [Mt. Stuart] *Mercury*, 17 October 1898, 17 January 1889; [Sheffield] *NWP*, 4 August 1904; [New Town] *Mercury*, 22 December 1893; [Moonah] *Mercury*, 14 March 1903, 6 April 1906.

<sup>193</sup> *DT*, 4 July 1894.

board with the Glenorchy Water Trust,<sup>194</sup> and the Glebe,<sup>195</sup> Mount Stuart,<sup>196</sup> New Town,<sup>197</sup> and Queenborough<sup>198</sup> boards with the Hobart Municipal Council. While it worked out for the town boards to be a cheaper alternative to securing their own supply of water, there were occasional complaints about inadequate provision or high water rates from ratepayers.<sup>199</sup> Other boards, such as the Latrobe, took control of an existing water trust in their district.<sup>200</sup> For the remaining boards, securing a supply of fresh water meant exploring rivers for a suitable site for a reservoir, obtaining plans and specifications, putting proposed schemes to ratepayers for approval, and then obtaining loans from the government to carry out the work. It was a long and sometimes difficult process.

The first board to complete an independent water scheme was Devonport. The urgent need for such a scheme was acknowledged by the board shortly after its creation in 1890,<sup>201</sup> and it sought out the Ulverstone Town Board and residents of Latrobe for a joint scheme, drawing from the Forth River.<sup>202</sup> The Ulverstone board rejected the proposal, deeming it too expensive, so Devonport entered into negotiations with Latrobe.<sup>203</sup> The talks failed. Latrobe inhabitants believed a scheme sourced from the Mersey River would be cheaper.<sup>204</sup> In the end Latrobe decided to form its own water trust,<sup>205</sup> while Devonport

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<sup>194</sup> *Mercury*, 10 December 1904.

<sup>195</sup> *Mercury*, 25 November 1898.

<sup>196</sup> *Mercury*, 2 July 1903.

<sup>197</sup> *Mercury*, 3 December 1896, 17 December 1896.

<sup>198</sup> *Mercury*, 14 February 1899.

<sup>199</sup> *Mercury*, 14 February 1899, 8 December 1905, 9 October 1906; see S. Petrow, 'Mismanagement and Conflict: Supplying Greater Hobart with Water 1890-1917' in L. Finch (ed.), *Seachange: New and Renewed Urban Landscapes 9th Australasian Urban History/Planning History Conference. Proceedings of the Conference held at Events Centre Caloundra February 2008*, (Maroochydore 2008) pp. 1-14.

<sup>200</sup> *NWP*, 12 December 1903, 22 March 1904.

<sup>201</sup> *NWP*, 22 March 1890.

<sup>202</sup> *NWP*, 24 July 1890.

<sup>203</sup> *NWP*, 31 July 1890.

<sup>204</sup> *NWP*, 2 July 1891.

<sup>205</sup> *Latrobe Water Act* 1890.

began construction of a reservoir on the Forth River in mid-1892.<sup>206</sup> The project was beset with difficulties. At one point the board, unhappy with the work of the original contractors, suspended construction for over six months until a new firm could be found.<sup>207</sup> The scheme was completed in early 1894 at a cost just over £20,000.<sup>208</sup>

In 1891 a member of the Ulverstone board, H. G. K. Wells, put forward a water scheme at an approximate cost of £10,000.<sup>209</sup> But the rest of the board thought this too expensive and the matter was laid aside.<sup>210</sup> Four years later a scheme, costing £4000, suffered the same result.<sup>211</sup> The proposal was revived in 1898, but again rejected by the board because of its cost.<sup>212</sup> Six more years elapsed before the scheme was put to the board again, after a small boom in the town's population, this time with greater success.<sup>213</sup> Although the board passed a motion in favour of the work in February 1904, it would take more than two years for plans and specifications of a scheme from the Gawler River to be drawn up, approved by ratepayers, and construction begun.<sup>214</sup> Started in late 1906, the Ulverstone waterworks were completed in February 1907 at a cost of £6500.<sup>215</sup>

Scottsdale had a similar experience. Motions in favour of a water scheme were put to the board in 1896,<sup>216</sup> 1898,<sup>217</sup> 1900,<sup>218</sup> and 1902<sup>219</sup> with little success, the majority in all

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<sup>206</sup> *NWP*, 14 July 1892.

<sup>207</sup> *NWP*, 10 December 1892, 13 June 1893.

<sup>208</sup> *NWP*, 30 January 1894; *Formby Water Act Amendment* 1890, *Formby Water Act Amendment* 1891.

<sup>209</sup> *NWP*, 16 April 1891.

<sup>210</sup> *NWP*, 25 April 1891.

<sup>211</sup> *NWP*, 2 March 1895, 2 April 1895.

<sup>212</sup> *NWP*, 28 May 1898.

<sup>213</sup> *NWP*, 27 February 1904.

<sup>214</sup> *NWP*, 15 November 1904, 4 April 1905, 8 August 1905, 5 February 1906.

<sup>215</sup> *NWP*, 16 February 1907.

<sup>216</sup> *Examiner*, 20 April 1906.

<sup>217</sup> *Examiner*, 7 July 1898.

<sup>218</sup> *Examiner*, 6 April 1900, 9 May 1900.

<sup>219</sup> *Examiner*, 8 May 1902.



cases deeming it too expensive. A severe typhoid epidemic struck the town in early 1903, however, prompting the Central Board of Health to blame the town's existing water supply for the disease, deeming it 'unfit for human consumption'.<sup>220</sup> The town board's own health officer pointed the finger at board members' repeated refusal to improve the local water supply, alleging that 'the present outbreak of sickness must be largely attributed to the apathy, inaction and want of appreciation of the responsibility which vests on them'.<sup>221</sup> Stung by the criticism, the board took immediate steps to introduce a water scheme, obtaining plans for a reservoir on Forester River to cost around £5000.<sup>222</sup> This was still considered beyond the financial means of the board, so the proposal was laid aside.<sup>223</sup> A cheaper scheme was approved two years later,<sup>224</sup> and construction of the new waterworks began in May 1907 at a cost of £2700.<sup>225</sup>

In Burnie the process was also contested. The board favoured a water scheme, but disagreement among members over the best source — Emu River or Romaine Creek — delayed action for two years.<sup>226</sup> To resolve the deadlock, the board in 1901 called for schemes to be submitted. It settled on two, one from Robert Gould at Romaine Creek costing £2000,<sup>227</sup> another from R. L. Rahbek at an estimated cost of £18-20,000.<sup>228</sup> While the board favoured Rahbek's scheme, because of its cost ratepayers did not,<sup>229</sup> and a public meeting urged the board to consider Gould's scheme instead.<sup>230</sup> The board

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<sup>220</sup> *Examiner*, 9 April 1903.

<sup>221</sup> *ibid.*

<sup>222</sup> *Examiner*, 6 May 1903.

<sup>223</sup> *Examiner*, 9 September 1903.

<sup>224</sup> *Examiner*, 4 July 1906.

<sup>225</sup> *Examiner*, 8 May 1907, 27 June 1907.

<sup>226</sup> *EBT*, 18 February 1899, 23 February 1899; *NWA*, 19 October 1900.

<sup>227</sup> *NWA*, 22 February 1901.

<sup>228</sup> *NWA*, 18 February 1901, 19 February 1901.

<sup>229</sup> *NWA*, 14 March 1901.

<sup>230</sup> *NWA*, 4 April 1901.

disregarded the meeting, and announced in April 1901 that Rahbek's scheme would be put to a poll.<sup>231</sup> Upset, a group of ratepayers organized to contest the board election in late April.<sup>232</sup> Although the dissidents' ticket was defeated, with all retiring members re-elected, Rahbek's scheme was modified,<sup>233</sup> it then being approved in a poll.<sup>234</sup> Construction began in August 1902 at estimated cost of £9000.<sup>235</sup> An extension of the scheme to the higher levels of the town was mooted in 1906, but soon the board expired.<sup>236</sup>

Taking advantage of the heavy rainfall in the region, water-tanks were all that was needed in most of the mining towns of the West Coast. However, at Queenstown and Gormanston, the huge smelters used by mining companies to process metal produced toxic smoke pollution that contaminated the rainfall,<sup>237</sup> posing a serious health problem.<sup>238</sup> Ratepayers subsequently pressed their boards to secure a clean, safe supply of drinking water.

The Queenstown board was sympathetic to these concerns, and in 1897 considered erecting a reservoir at Hunter's Creek.<sup>239</sup> Costing £2000, the scheme was begun in October 1898 and, after delays, was fully operational in May 1899.<sup>240</sup> An extension to supply outlying areas was approved in 1904.<sup>241</sup> The fledgling Gormanston board also moved quickly. A scheme was approved in April 1900 and by December construction

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<sup>231</sup> NWA, 5 April 1901.

<sup>232</sup> NWA, 10 April 1901 'Burnie Water Scheme' by Platypus; C. H. Hall and Ratepayer; 11 April 1901 'Burnie Water Scheme' J. W. Norton Smith; 17 April 1901.

<sup>233</sup> NWA, 19 October 1901, 14 February 1902.

<sup>234</sup> NWA, 3 April 1902.

<sup>235</sup> NWA, 5 August 1902.

<sup>236</sup> NWA, 8 June 1906.

<sup>237</sup> For a picture of the smelters at work see K. Pink, *The West Coast Story: a history of Western Tasmania and its mining fields*, (Zeehan 1982) p. 74.

<sup>238</sup> MLS, 5 April 1900, 13 March 1897.

<sup>239</sup> MLS, 25 September 1897.

<sup>240</sup> MLS, 15 October 1898, 13 April 1899.

<sup>241</sup> ZDH, 11 January 1904.

had begun.<sup>242</sup> Costing £4000, the scheme operated from late 1901, and in 1902 a further £1000 was borrowed to extend it.<sup>243</sup>

At Zeehan, the need for a water scheme was recognized by the early 1890s. With no local body with sufficient borrowing powers to carry out the work, a private company was formed.<sup>244</sup> A private members bill creating the company was put to parliament in late 1891. In a mining town with strong collectivist values the proposal was immensely unpopular, as shown by a resolution at a large public meeting:

This public meeting of the residents of Zeehan do strongly protest against the parliament of Tasmania granting to companies the powers sought by them to acquire the right to supply water, or to construct a sewerage scheme, or supply gas, or tramways within the town of Zeehan...such powers and works being the sole right of the residents and of their future municipal representatives.<sup>245</sup>

Another public meeting urged the Zeehan Progress Committee to step up its efforts to secure a town board to prevent the private company from gaining the right to supply the town with water.<sup>246</sup> Although the Zeehan Water and Sewerage Bill was passed by the Assembly, due to a crowded schedule it was laid aside for six months by the Council.<sup>247</sup> Before the next session of parliament, a board for Zeehan had been proclaimed, scuttling the movement to establish a private company.

While the new Zeehan board was eager to introduce a water scheme, limited financial resources restricted its action.<sup>248</sup> Not until 1897 was a plan for a scheme seriously entertained. The first scheme, sourced from the Cumberland Dam ten miles from the

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<sup>242</sup> *MLS*, 5 April 1900.

<sup>243</sup> *MLS*, 24 January 1902.

<sup>244</sup> *ZDH*, 27 July 1891.

<sup>245</sup> *ZDH*, 31 July 1891.

<sup>246</sup> *ZDH*, 17 August 1891.

<sup>247</sup> *Mercury*, 29 October 1891.

<sup>248</sup> *ZDH*, 15 November 1892.

town, was estimated to cost around £36,000, and was rejected by the board.<sup>249</sup> Two years later a proposal costing £7000 was approved, on condition that the government would contribute £4,000 if government buildings were included in the scheme.<sup>250</sup> The government was initially favourable, but later withdrew support, causing the board to reject the plan as not feasible given the town board's finances.<sup>251</sup> The matter rested until November 1903 when a fire engulfed several premises in Main Street.<sup>252</sup> This renewed calls for a scheme to provide water not just for consumption, but also for fire protection.<sup>253</sup> The board was sympathetic, but wary about costs.<sup>254</sup> Zeehan continued to rely on water-tanks until 1907.

Failed schemes also prevailed at Beaconsfield and Bellerive. The former had a project worth £8000 rejected by ratepayers in 1900,<sup>255</sup> while the Bellerive board was pressed by local ratepayers for a scheme in 1892, and decided to work with neighbouring Beltana to supply both towns.<sup>256</sup> Two schemes were settled upon, one costing £6700 the other £7500,<sup>257</sup> but they were deemed too expensive by ratepayers.<sup>258</sup> In 1895 Bellerive accepted from the Glenorchy Water Trust an offer to supply the town with water, providing it pay for the piping and fixtures.<sup>259</sup> Put to a ratepayer poll, the proposal was

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<sup>249</sup> *ZDH*, 22 December 1897, 12 January 1898.

<sup>250</sup> *ZDH*, 29 January 1901, 25 February 1901.

<sup>251</sup> *ZDH*, 10 September 1901.

<sup>252</sup> *ZDH*, 17 November 1903.

<sup>253</sup> *ZDH*, 26 November 1903.

<sup>254</sup> *ZDH*, 2 December 1903.

<sup>255</sup> *Examiner*, 3 June 1898, 24 November 1898, 26 October 1900, *Beaconsfield Water Act* 1900.

<sup>256</sup> *Mercury*, 16 November 1892.

<sup>257</sup> *Mercury*, 3 July 1894.

<sup>258</sup> *Mercury*, 31 July 1894.

<sup>259</sup> *Mercury*, 13 February 1896.

rejected.<sup>260</sup> Despite the board raising the issue on two other occasions,<sup>261</sup> no further action was taken.

A water scheme presented boards with other opportunities for town improvement, such as lighting the town with electricity. The rudimentary system of town lighting used by most boards consisted of installing lamps containing either kerosene<sup>262</sup> or acetylene gas<sup>263</sup> and employing a lamplighter to ensure that lamps were lit and functioning when darkness fell. Because of limited finances, the boards of Glebe, Scottsdale, and Sheffield, could afford only a handful of lamps.<sup>264</sup> Others, like Mount Stuart and Beaconsfield, could not afford to have any at all.<sup>265</sup> Even when boards could afford numerous lamps the result was often far from satisfactory.<sup>266</sup> Ulverstone chairman, H. G. K. Wells, told his board in 1899 that one night he had found the lamplighter employed by the board wandering the streets with a candle looking for lamps to maintain.<sup>267</sup> Little wonder that soon after some town boards obtained a sufficient water supply, schemes for electric lighting were put forward.

Devonport first raised the issue of replacing their existing kerosene lamps with ones powered by electricity in 1896.<sup>268</sup> However, it took three years, and a concerted

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<sup>260</sup> *Mercury*, 26 March 1896, 7 May 1896, 20 June 1896.

<sup>261</sup> *Mercury*, 16 October 1900, 12 November 1904.

<sup>262</sup> [Strahan] *ZDH*, 10 October 1899, 9 August 1900; [Lindisfarne] *Mercury*, 31 March 1904, 8 July 1904, 3 May 1906; [Bellerive] *Mercury*, 17 June 1896, 15 July 1896.

<sup>263</sup> [Ulverstone] *NWP*, 3 August 1897, 7 November 1901, 4 March 1902; [New Town] *Mercury*, 6 July 1893, 17 August 1893, 6 December 1893, 4 May 1899; [Queenborough] *Mercury*, 7 January 1896, 3 March 1897, 27 April 1897.

<sup>264</sup> [Glebe] *Mercury* 6 May 1896, 13 May 1899, 28 April 1902, 16 June 1902; [Scottsdale] *Examiner*, 20 April 1896, 21 May 1896, 4 June 1896, 17 June 1904; [Sheffield] *NWP*, 10 September 1904, 6 October 1904, 15 June 1905, 9 May 1906, 11 July 1906.

<sup>265</sup> [Mt. Stuart] *Mercury*, 14 March 1899, 24 April 1899; [Beaconsfield] *Examiner*, 10 June 1898, 4 August 1899.

<sup>266</sup> See [Bellerive] *Mercury*, 9 September 1896, 14 July 1897.

<sup>267</sup> *NWP*, 1 July 1899.

<sup>268</sup> *NWP*, 28 April 1896.

campaign by the Chairman H. H. McFie, for a firm scheme to evolve.<sup>269</sup> Costing £8000, the proposal was warmly received by local ratepayers, and the board drafted a bill seeking permission and money from parliament to press ahead with the scheme.<sup>270</sup> But the bill was narrowly defeated in the Council, some members thinking it would overburden town residents.<sup>271</sup>

The board formed a committee which advised that the issue be postponed until the population of the town had increased.<sup>272</sup> The report split the board, between those who wanted the matter to rest for a period and those who thought a more modest scheme could be adopted.<sup>273</sup> In 1901 the latter proposed a scheme to light only a portion of West Devonport.<sup>274</sup> Approved by ratepayers and costing £7000,<sup>275</sup> this was completed by October 1902.<sup>276</sup> In 1904 the board borrowed a further £4000 to extend it to West Devonport,<sup>277</sup> and a further extension to East Devonport was proceeding by December 1907.<sup>278</sup>

On the West Coast, the Queenstown and Zeehan boards had to deal with private companies wanting to supply electric light. A 'Queenstown Electric Light Company' in May 1899 proposed to supply the town, with the option of the board later taking over. The board rejected the offer.<sup>279</sup> The company then sought support from ratepayers, but was rebuffed. A public meeting confirmed the desire for lighting to be the exclusive

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<sup>269</sup> *NWP*, 29 November 1898, 24 January 1899, 9 May 1899.

<sup>270</sup> *NWP*, 24 October 1899, 2 November 1899.

<sup>271</sup> *Mercury*, 9 December 1899.

<sup>272</sup> *NWP*, 25 September 1900.

<sup>273</sup> *NWP*, 11 October 1900.

<sup>274</sup> *NWP*, 14 February 1901, 24 September 1901.

<sup>275</sup> *NWP*, 28 November 1901.

<sup>276</sup> *NWP*, 3 July 1902, 5 July 1902, 28 October 1902.

<sup>277</sup> *Devonport Loans Act* 1904.

<sup>278</sup> *NWP*, 26 November 1907, 6 December 1907.

<sup>279</sup> *MLS*, 19 May 1899.

province of its local body.<sup>280</sup> While the board was keen, it did not have the financial resources to act, and made do with acetylene gas lamps.<sup>281</sup> In 1902 the board heard that the Mount Lyell Mining Company was planning to drive its machinery with electricity, and so asked whether the would expand its plant so it could supply to the town.<sup>282</sup> The company approved of the plan, and the board organized to borrow £2000 to upgrade the plant.<sup>283</sup> However, legal difficulties hampered the mining company from carrying out the arrangement<sup>284</sup> until November 1904.<sup>285</sup>

At Zeehan, despite that antipathy towards private interest supplying public services, lack of funds caused the board in 1898 to accept a proposal for a company to supply electric lighting.<sup>286</sup> However, this came with a proviso that the board could take over after paying compensation.<sup>287</sup> The company began operations in 1899,<sup>288</sup> but floundered. By 1901 the company offered the scheme to the board, but a ratepayers' poll rejected the takeover.<sup>289</sup> The company's price of £7000 was considered too high, with many ratepayers believing more money would have to be borrowed by the board to improve the quality of lighting.<sup>290</sup> Anxious to take over the scheme, the board in 1902 put an offer of £4500 to the company which was refused.<sup>291</sup> Twelve months passed until the company, now close to bankruptcy,<sup>292</sup> re-opened negotiations.<sup>293</sup> £3500

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<sup>280</sup> *MLS*, 30 May 1899.

<sup>281</sup> *MLS*, 26 September 1899, 6 October 1900, 9 March 1901.

<sup>282</sup> *MLS*, 24 July 1902.

<sup>283</sup> *MLS*, 22 August 1902, 3 September 1902.

<sup>284</sup> *MLS*, 2 December 1902.

<sup>285</sup> *ZDH*, 24 March 1904, 20 November 1904.

<sup>286</sup> *ZDH*, 19 April 1898.

<sup>287</sup> *ZDH*, 31 August 1898; *Zeehan Electric Light and Power Act* 1898.

<sup>288</sup> *ZDH*, 21 June 1899, 30 June 1899.

<sup>289</sup> *ZDH*, 22 October 1901, 18 November 1901, 23 November 1901.

<sup>290</sup> *ZDH*, 26 November 1901, 28 November 1901.

<sup>291</sup> *ZDH*, 25 February 1902.

<sup>292</sup> *ZDH*, 4 November 1903.

<sup>293</sup> *ZDH*, 29 December 1903.

compensation was agreed,<sup>294</sup> another poll securing majority support but not the two-thirds required by law.<sup>295</sup> Two years later the proposal was re-submitted, this time successfully.<sup>296</sup> The board took over the scheme in 1907 and immediately proposed to borrow an additional £3000, on top of the initial £3500, to upgrade the plant and light to the whole town.<sup>297</sup>

Only two more boards introduced electric lighting. One was Invermay, which arranged with the Launceston Municipal Council to supply electricity in 1899.<sup>298</sup> The other was Moonah, which lit only its main road, in 1902.<sup>299</sup> A proposal for an electric light scheme put to the ratepayers of Trevallyn in 1897 was narrowly defeated.<sup>300</sup> An old plant, was offered to the Scottsdale<sup>301</sup> and Burnie<sup>302</sup> by the Launceston Municipal Council in 1904, but neither could afford it. Schemes were mooted by the Latrobe and Gormanston but no further action was subsequently taken.<sup>303</sup>

A water scheme also promised better sewerage. Rural Tasmania had relied on crude cess-pits in backyards to deposit unwanted nightsoil. The practice, combined with other obnoxious odours caused by inadequate sanitary arrangements elsewhere, created health problems. A correspondent to the *Examiner* pointed out in regards to Scottsdale that

All house-slops, nightsoil and general garbage from each particular household have for the past twenty years been buried a few inches below the surface upon each particular allotment....within a radius of, say, ¼ miles, are something like 500 souls who live, move and have their existence within this death-trap, the abominations of which are supplemented by slaughter-house yards, pigsties and festering heaps; from

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<sup>294</sup> *ZDH*, 26 January 1904.

<sup>295</sup> *ZDH*, 18 February 1904.

<sup>296</sup> *ZDH*, 26 April 1906.

<sup>297</sup> *ZDH*, 15 October 1907, 13 November 1907.

<sup>298</sup> *Examiner*, 5 July 1899.

<sup>299</sup> *Mercury*, 21 May 1902, 11 November 1902.

<sup>300</sup> *DT*, 2 November 1897.

<sup>301</sup> *DT*, 10 March 1902.

<sup>302</sup> *NWA*, 23 July 1904.

<sup>303</sup> [Latrobe] *NWP*, 28 February 1906; [Gormanston] *ZDH*, 16 October 1907.



rotten undrained stables; the odor from which assails one on every hand, while typhoid stalks rampant in our midst, claiming its victims with progressive precision.<sup>304</sup>

When populations of towns had reached a sufficient level and finances allowed it, most boards moved to introduce a pan system for disposing of nightsoil. Pans were distributed to all households and a contractor paid to empty them at regular intervals. In some cases, the introduction of a pan system was delayed while boards searched for an appropriate site to bury the waste.<sup>305</sup> Glebe,<sup>306</sup> Wellington Hamlets,<sup>307</sup> Mount Stuart,<sup>308</sup> and Queenborough<sup>309</sup> paid the Hobart City Council to manage their services. New Town, initially considered the same agreement but in 1901 decided to go it alone.<sup>310</sup>

Similar services were introduced by Bellerive (1893),<sup>311</sup> Zeehan (1894),<sup>312</sup> Queenstown,<sup>313</sup> Beaconsfield (1897),<sup>314</sup> Strahan,<sup>315</sup> Burnie (1898),<sup>316</sup> Devonport,<sup>317</sup> Gormanston (1899),<sup>318</sup> Scottsdale (1903),<sup>319</sup> Ulverstone (1904),<sup>320</sup> Trevallyn,<sup>321</sup> Moonah<sup>322</sup> and Stanley (1906)<sup>323</sup>. Most went without a hitch, the only real controversy

<sup>304</sup> *Examiner*, 7 April 1903 'Scottsdale Sanitation' by Scottsdale Ratepayer.

<sup>305</sup> [New Town] *NWP*, 6 November 1890; [Latrobe] *NWP*, 7 January 1904; [Stanley] *NWA*, 19 July 1904, 14 February 1905; [Queenstown] *MLS*, 14 August 1897, 21 August 1897.

<sup>306</sup> *Mercury*, 15 March 1902.

<sup>307</sup> *Mercury*, 3 July 1903, 5 March 1904.

<sup>308</sup> *Mercury*, 12 August 1903, 14 January 1904, 15 April 1904.

<sup>309</sup> *Mercury*, 2 April 1901, 15 May 1903, 6 October 1903.

<sup>310</sup> *Mercury*, 3 April 1901, 19 June 1901.

<sup>311</sup> *Mercury*, 27 July 1892, 19 October 1892, 22 March 1893.

<sup>312</sup> *ZDH*, 9 January 1894.

<sup>313</sup> *MLS*, 24 November 1897.

<sup>314</sup> *Examiner*, 23 December 1897.

<sup>315</sup> *ZDH*, 11 June 1898.

<sup>316</sup> *EBT*, 8 October 1898, 5 November 1898, 4 February 1899.

<sup>317</sup> *NWP*, 13 May 1899.

<sup>318</sup> *MLS*, 9 March 1899.

<sup>319</sup> *Examiner*, 12 June 1903, 8 July 1903, 9 September 1903.

<sup>320</sup> *NWA*, 27 February 1904; *NWP*, 5 May 1904.

<sup>321</sup> *DT*, 7 November 1901, 8 July 1904; *HTG* 7 May 1907, 5 May 1908.

<sup>322</sup> *Mercury*, 16 February 1906.

<sup>323</sup> *NWA*, 16 July 1906, 17 November 1906.

arising in Ulverstone. A pan system had first been put to the board in 1891,<sup>324</sup> but it took a decade for a service for the whole town to be agreed upon.<sup>325</sup> The proposal met opposition from ratepayers residing on the outskirts of the town, who believed that the service was only required in and around Reibey Street. A public meeting descended into scuffles, and the board reluctantly dropped the idea.<sup>326</sup> Two years later, a more modest proposal, based on providing a service to those householders only in the town centre, achieved ratepayer approval.<sup>327</sup>

For those boards that had it, a system of piped pressurized water opened the possibility of abolishing the pan method and establishing water-closets, where water would flush household nightsoil into main sewers and then out to sea (where practicable). Given the enormous cost involved, such provision was entertained by only a handful of town boards. Schemes were mooted by New Town and Devonport but no further action was ever taken.<sup>328</sup> Only three boards actually completed schemes.

The first to do so was Queenstown. In 1899 the board discussed the idea of establishing a sewerage farm, where the entire town's nightsoil would be carried by water carriage, and, when treated, could then be used for fertilizer for agricultural purposes.<sup>329</sup> The board put this scheme, estimated to cost £7200, before ratepayers without success.<sup>330</sup> Unpopular, the scheme was opposed on the grounds that it would result in intolerably

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<sup>324</sup> *NWP*, 16 April 1891.

<sup>325</sup> *NWP*, 11 June 1901.

<sup>326</sup> *NWP*, 4 December 1902.

<sup>327</sup> *NWP*, 27 February 1904, 5 May 1904.

<sup>328</sup> [New Town] *Mercury*, 4 October 1894, 22 November 1904; [Devonport] *NWP*, 14 February 1904

<sup>329</sup> *MLS*, 8 May 1899.

<sup>330</sup> *MLS*, 12 February 1900.

high rates.<sup>331</sup> Two years later the board finally began construction of the scheme, after agreeing to build it in stages.<sup>332</sup> The first stage was completed in June 1903.<sup>333</sup>

Burnie first raised the idea in 1904, but the expected prohibitive cost had caused delay.<sup>334</sup> In 1906 the board commissioned a report, received an estimated cost of £6600, and put the proposal to a poll.<sup>335</sup> Ratepayers voted against the scheme, fearing a cost blow-out and pollution of the beaches.<sup>336</sup> Later in August 1907 a more thorough plan was approved.<sup>337</sup> The board expired before the work, costing £12,000, could be carried out under its supervision.<sup>338</sup> The last scheme was completed at Invermay. A proposal worth £7000 was approved by ratepayers in August 1906.<sup>339</sup> Despite some worries about interest costs, the project was begun in 1907.<sup>340</sup>

While mostly concerned with street construction, drainage and water supply, town boards nevertheless carried out other useful improvements, such as providing a public library or reading room. Boards anxious to carry out this task often had to wait until a town hall provided a suitable space. While some boards, such as Ulverstone and Burnie took over control of existing halls,<sup>341</sup> other boards had to consider borrowing money to construct a new building.

New town halls were built by New Town (£1650),<sup>342</sup> Devonport (£500)<sup>343</sup> and Zeehan (£500)<sup>344</sup> in 1896 and 1897. Proposals for halls were put to ratepayers in Moonah and

<sup>331</sup> *MLS*, 24 August 1900, 2 November 1900.

<sup>332</sup> *MLS*, 25 March 1902.

<sup>333</sup> *ZDH*, 29 June 1903.

<sup>334</sup> *NWA*, 4 November 1904, 16 December, 31 January 1905.

<sup>335</sup> *NWA*, 12 January 1906, 22 June 1906.

<sup>336</sup> *NWA*, 17 August 1906.

<sup>337</sup> *NWA*, 1 August 1907.

<sup>338</sup> *Burnie Sewerage Act 1907*.

<sup>339</sup> *DT*, 25 April 1906, 27 April 1906.

<sup>340</sup> *Invermay Town Board Act 1906*.

<sup>341</sup> [Ulverstone] *NWP*, 1 July 1899, 8 March 1900; [Burnie] *NWA*, 8 February 1901, 2 August 1901

<sup>342</sup> *Mercury*, 7 November 1895, 30 November 1895, 27 June 1896, 1 July 1896, 12 December 1897.

<sup>343</sup> *NWP*, 8 April 1896.

Gormanston but were defeated, because of concerns about the cost and the resultant rise in rates.<sup>345</sup> Apprehension about costs saw the tentative proposals to build new halls in Beltana, Queenborough, Beaconsfield and Carnarvon also laid aside.<sup>346</sup> Finally, while keen to build halls, Strahan and Queenstown could not find suitable sites to begin construction.<sup>347</sup>

Accordingly, only a handful of libraries were established. Ulverstone and Zeehan opened theirs in 1904 and 1900 respectively,<sup>348</sup> while Strahan in tandem with the government provided a reading room for their town in 1903.<sup>349</sup> New Town (1907),<sup>350</sup> Stanley (1906)<sup>351</sup> and Beaconsfield (1903)<sup>352</sup> took over private subscription libraries. Gormanston subsidized a local subscription library as well.<sup>353</sup>

Another improvement was construction of public pounds. Stray animals, especially

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<sup>344</sup> *ZDH*, 7 January 1896.

<sup>345</sup> [Moonah] *Mercury*, 23 June 1905; [Gormanston] *MLS*, 13 December 1901.

<sup>346</sup> [Beltana] *Mercury*, 12 October 1903, 28 October 1903; [Queenborough] *Mercury*, 7 February 1900; [Beaconsfield] *Examiner*, 9 August 1900; *AOT*, Carnarvon Town Board: Minutes 1889-1895 (Ref: AB 532/1/1) 20 May 1895, 30 July 1895, 15 August 1895.

<sup>347</sup> [Strahan] *ZDH*, 28 July 1899, 11 August 1899, 23 December 1899, 25 August 1900, 1 November 1900, 15 November 1900; [Queenstown] *MLS*, 13 February 1901, 10 December 1904.

<sup>348</sup> [Ulverstone] *NWP*, 29 August 1903, 15 June 1904; *AOT*, Zeehan Town Board: Minutes 1898-1902 (Ref: LA 78/4/1-2) 7 November 1898, 15 January 1899, 31 July 1899, 4 December 1899, 18 June 1900.

<sup>349</sup> *ZDH*, 20 August 1903.

<sup>350</sup> *Mercury*, 28 February 1906, 4 April 1907.

<sup>351</sup> *NWA*, 6 February 1906, 8 May 1906, 5 June 1906, 12 June 1906, 7 August 1906, 11 September 1906

<sup>352</sup> *Examiner*, 20 July 1900, 20 November 1902, 18 June 1903.

<sup>353</sup> *ZDH*, 29 April 1904.

cattle,<sup>354</sup> but also horses,<sup>355</sup> dogs,<sup>356</sup> goats<sup>357</sup> and fowl<sup>358</sup> were a nuisance to town inhabitants, and boards received constant requests from ratepayers to stop loose animals roaming the town's streets.<sup>359</sup> Not only did cattle ruin culverts and drains constructed by the boards, they also posed a danger to residents, particularly children. The *Zeehan and Dundas Herald* told in 1899 of a rogue cow attacking a small child in Zeehan.<sup>360</sup> In response to the nuisance, boards passed by-laws prohibiting landowners from grazing or letting loose cattle on streets and roads, and some built pounds to hold stray animals until they were collected by their owners.<sup>361</sup>

Boards were also asked to either take over or establish public baths on beaches or esplanades. The Devonport Town Board, for instance, considered erecting public baths on the Devonport Esplanade in 1898 and 1905,<sup>362</sup> but decided instead to purchase the existing Torquay public baths in East Devonport for £25 and spent a further £150 in improvements to make them more popular.<sup>363</sup> After a long debate with the

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<sup>354</sup> AOT, Scottsdale Town Board: Minutes 1893-1907 (Ref: AD 748/1/1-2) 2 December 1893, 6 October 1896, 1 March 1897, 5 September 1898; Strahan Town Board: Minutes 1892-1907 (Ref: LA 67/3/1-2) 9 January 1894, 9 October 1894, 24 November 1896, 14 February 1905; [Mount Stuart] *Mercury*, 17 October 1898, 20 November 1903, 15 August 1906, 17 May 1907.

<sup>355</sup> [Gormanston] *MLS*, 4 May 1900, 18 October 1901, 30 August 1907; [Beaconsfield] *Examiner*, 18 October 1904; [Sheffield] *NWP*, 7 August 1890, 9 October 1902.

<sup>356</sup> [Queenstown] *MLS*, 3 May 1901; [Zeehan] *ZDH*, 23 September 1903.

<sup>357</sup> [Zeehan] *ZDH*, 7 February 1905.

<sup>358</sup> [Stanley] *NWA*, 5 December 1905.

<sup>359</sup> AOT, Lindisfarne Town Board: Minutes 1894-1907 (Ref: LA 93/1/1-2) 19 December 1894, 9 January 1895, 23 January 1895, 24 July 1895; Bellerive Town Board: Minutes: 1892-1907 (Ref: LA 79/6/1-4) 25 July 1892, 10 February 1906, 6 September 1897, 12 June 1899, 17 September 1900; [Devonport] *NWP*, 8 September 1892, 22 September 1892, 30 May 1893, 8 August 1893.

<sup>360</sup> *ZDH*, 26 September 1899.

<sup>361</sup> [Scottsdale] *Examiner*, 10 September 1896, 3 October 1896, 14 October 1896; [Carnarvon] *Mercury*, 29 November 1894, 16 November 1895; [Ulverstone] *NWP*, 18 August 1888, 29 September 1888; AOT, New Town Board: Minutes 1898-1907 (Ref: AB 314/1/1-3) 15 November 1898, 5 October 1903, 18 September 1905, 2 October 1905, 17 April 1906; Moonah Town Board: Minutes 1899-1907 (Ref: LA 47/2/1) 2 January 1901.

<sup>362</sup> *NWP*, 26 May 1898, 15 November 1898, 10 January 1905.

<sup>363</sup> *NWP*, 23 October 1906, 6 March 1907, 11 June 1907, 23 July 1907.

government,<sup>364</sup> the Queenborough Town Board in 1905 took control and spent £1000 on improving the Sandy Bay baths, working closely with a local Baths Improvement Committee on the project.<sup>365</sup> The Queenstown Town Board installed a swimming pool for its ratepayers in 1902.<sup>366</sup> Proposals to erect public baths were also raised at New Town, Strahan, Burnie and Ulverstone to no end.<sup>367</sup>

Other duties carried out by town boards included tree planting;<sup>368</sup> improving public reserves,<sup>369</sup> recreation grounds<sup>370</sup> and cemeteries;<sup>371</sup> establishing fire brigades; and controlling the construction of new buildings.<sup>372</sup> Boards constantly pressed for better services for their towns, particularly improved police protection<sup>373</sup> and mail delivery,<sup>374</sup> as well as urging the government for court sittings,<sup>375</sup> technical colleges<sup>376</sup> or

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<sup>364</sup> *Mercury*, 6 October 1896, 7 July 1897, 11 January 1898, 6 August 1901, 28 September 1901, 4 December 1901.

<sup>365</sup> *AOT*, Queenborough Town Board: Minutes 1891-1907 (AB 310/1/1-2) 5 May 1905, 6 June 1905, 22 August 1905, 3 November 1905, 10 January 1906, 8 February 1906, 11 May 1906.

<sup>366</sup> *MLS*, 10 April 1902.

<sup>367</sup> [New Town] *Mercury*, 22 March 1900; [Strahan] *ZDH*, 23 December 1899; [Burnie] *EBT*, 20 September 1898, 5 November 1898; [Ulverstone] *NWP*, 28 May 1892, 28 June 1892, 7 July 1892, 9 July 1892.

<sup>368</sup> [Ulverstone] *NWP*, 4 May 1897, 28 June 1902, 5 August 1902; [New Town] *Mercury*, 8 April 1897, 22 April 1897, 18 June 1897, 6 June 1903; [Latrobe] *NWP*, 28 May 1904, 27 April 1906, 10 May 1906, 24 May 1906.

<sup>369</sup> [Trevallyn] *DT*, 16 March 1892, 28 April 1892; *AOT*, Carnarvon Town Board: Minutes 1889-1895 (Ref: AB 532/1) 23 November 1889.

<sup>370</sup> [Scottsdale] *DT*, 16 July 1894, 11 August 1894, 5 July 1901, 8 August 1901; *AOT*, Sheffield Town Board: Minutes 1889-1903 (Ref: LA 62/4/1) 5 September 1898, 15 May 1899, 5 June 1899, 6 November 1899, 3 March 1902; Wellington Town Board: Minutes 1903-1907 (Ref: AB 308/1/1) 4 November 1903, 1 October 1904, 3 May 1905.

<sup>371</sup> [Strahan] *ZDH*, 24 July 1899, 24 January 1900; *MLS*, 18 May 1899, 1 July 1899; [Latrobe] *NWP*, 12 December 1903, 24 December 1904, 24 May 1906, 30 August 1906; [Queenstown] *MLS*, 25 September 1897, 23 October 1897, 6 January 1899, 14 January 1899, 11 February 1899.

<sup>372</sup> [Beaconsfield] *Examiner*, 7 May 1902, 10 August 1904; [Gormanston] *MLS*, 8 July 1899, 1 September 1899; [Mount Stuart] *Mercury*, 9 April 1894, 25 March 1895.

<sup>373</sup> *AOT*, Queenstown Town Board: Minutes 1897-1898 (Ref: LA 56/5/1) 15 September 1897, 1 December 1897; Mount Stuart Town Board: Minutes 1891-1901 (Ref: LA 88/1/1) 29 December 1893, 5 October 1894, 2 November 1894, 22 May 1896, 10 November 1899, 8 December 1899, 15 July 1900.

<sup>374</sup> *AOT*, Beaconsfield Town Board: Minutes 1903-1907 (LA 1/7/2) 2 April 1906, 1 October 1906.

<sup>375</sup> [Devonport] *NWP*, 14 January 1892, 20 February 1892, 5 May 1892; [Zeehan] *ZDH*, 31 August 1900.

<sup>376</sup> [Ulverstone] *Coastal News*, 12 December 1891; [Devonport] *NWP*, 15 January 1891, 5 March 1891, 12 March 1891, 9 April 1891, 14 January 1893.

parliamentary representatives.<sup>377</sup> They worked with other civic bodies to provide town improvements. For example, the Ulverstone Town Board co-operated with the Ulverstone Improvement Association to provide bathing sheds,<sup>378</sup> and worked with the local tourist association to purchase land at Lobster Creek for picnic grounds.<sup>379</sup> The Devonport board helped the Devonport Town and Suburbs Improvement Association to improve reserves near the Bluff.<sup>380</sup>

Town boards then were active local bodies, fulfilling a wide range of town improvements, and they earnestly tried to meet the expectations of those who saw them as the second tier of local government. However, the system was hamstrung by a lack of revenue. Some boards did not have the money to carry out improvements they wanted or were demanded by ratepayers. Others completed public works only with funds obtained from large loans. In 1891 the total amount borrowed by town boards was £4000,<sup>381</sup> £6750 in 1895,<sup>382</sup> and £42,850 in 1900.<sup>383</sup> By 1905 the total amount owed by boards from loans came to £74,344.<sup>384</sup> The interest repayments of these loans further reduced the amount available to boards for other purposes.<sup>385</sup>

The boards themselves were not entirely to blame for this lack of revenue. Although most reduced their rates during the 1890s depression, boards were often reluctant to levy the maximum town rate available to them under the Act when the economic fortunes of the colony improved. This was because the reduction in road aid required boards to levy

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<sup>377</sup> [Gormanston] *MLS*, 25 May 1899.

<sup>378</sup> *NWP*, 6 September 1890, 4 October 1891.

<sup>379</sup> *NWP*, 18 September 1906, 11 December 1906, 24 December 1906, 7 January 1907, 18 February 1907.

<sup>380</sup> *NWP*, 28 April 1896.

<sup>381</sup> *Statistics of Tasmania*, 1891, p. 286.

<sup>382</sup> *Statistics of Tasmania*, 1895 p. 297.

<sup>383</sup> *Statistics of Tasmania*, 1900, p. 216-7.

<sup>384</sup> *Statistics of Tasmania*, 1905-6, p. 275-6.

<sup>385</sup> See 'Town Boards: return of loans to', *JPPP(Tas.)*, 1904, paper no. 58 p. 3.

the maximum road rate of 1s, which, in turn, made them reluctant to further burden ratepayers with a high town rate on top of special rates to pay off loans. Therefore, while annual values rose after Federation, the revenue from general rates remained fairly constant. A disinclination to impose high rates would not have been a problem had the population (and ratepayer base) of towns in rural Tasmania continued to grow. But, as was noted earlier, from the 1890s the population of towns in the rural interior, apart from some on the North West Coast, stagnated.<sup>386</sup> Little population growth, difficult economic times, high interest payments and low rates led to limited finances and restricted board activity.

Several solutions to the financial problems of the town board system were proposed. One was for those boards located in the two main cities to join the Greater Launceston and Hobart schemes that emerged around Federation.<sup>387</sup> Another was to expand the boundaries of boards to draw in residents of the rural fringes of townships, thereby increasing their ratepayer base. This proposal was generally unfavourable with townsfolk and boards, who feared that country residents would block relatively costly town improvements. Rural residents, for their part, feared being saddled with high rates for services and amenities they would never use. Indeed, because of the strong town/country feeling that existed in the colony during the colonial period, some boards had amended their boundaries in order to excise rural residents who did not want to fall within the jurisdiction of a town board. Two such examples were Burnie and Stanley.<sup>388</sup>

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<sup>386</sup> Blainey, 'Population Movements in Tasmania, 1870-1901', p. 68.

<sup>387</sup> The following Town Boards eventually joined with the Greater Launceston and Hobart schemes – Trevallyn, Glebe, Mount Stuart and Wellington.

<sup>388</sup> Minister of Lands and Works to Chairman of Burnie Town Board, 22 August 1898, *AOT*, Public Works Department: Letterbook of Outward Correspondence respecting the organization and administration of town boards 1894-1899 (Ref: PWD 28/1/1) p69-70; [Stanley] *NWA*, 10 August 1903, 12 August 1903.



The other solution was to transform town boards into larger municipal councils, giving them more population, financial resources and borrowing powers to carry out their work. Although the town board system was not ailing like the road trust system, nor underachieving like rural municipalities, it was viewed with a certain degree of distaste by the colony's politicians. During discussions on the town boards bill in 1884 some members of parliament had expressed doubt over the need for another local body, and urged the government to just extend the prevailing system of rural municipalities to the new towns.<sup>389</sup> But it was after several town boards had already been established, and the Fysh government was looking to create more, that the first misgivings about the new system were aired in parliament. Members were concerned not so much with the work carried out by the boards, but with the issue of whether the growth of town boards would retard the expansion of municipal government in the colony and threaten the viability of the existing nineteen rural municipalities.

Two fears were expressed. The first was that towns within rural municipalities would split and form a town board, impoverishing and then undermining municipal government in the remaining rural district. 'Picking the eyes out of the municipality' was the term frequently used in parliament.<sup>390</sup> Therefore members wanted the removal of a provision allowing towns within rural municipalities to form their own boards. William Moore, member for Russell, thought this provision was 'really a blow at municipal government, inasmuch as it provided for the creation of government within governments, thus emasculating from rural municipalities and road trusts the bulk of their revenues'.<sup>391</sup> Secondly, the fear was that if towns in non-municipal districts chose to form town boards

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<sup>389</sup> *Mercury*, 6 November 1884, 14 November 1884.

<sup>390</sup> *Mercury*, 28 July 1891.

<sup>391</sup> *Mercury*, 8 October 1890.

it would be a further disincentive for rural residents in those areas to establish rural municipalities, given that it would probably cost them more to do so. In further debates on the consolidation bill in 1891, Charles MacKenzie, member for Wellington, warned that the spread of town boards would ‘encourage certain portions of the people to cut themselves off from municipal government’.<sup>392</sup> Similarly, five years later, W.A.B Gellibrand, member for Derwent, told the Legislative Council that ‘the more perfect town boards became the more disastrous it was to municipal action’.<sup>393</sup>

By 1896 members in parliament were discussing whether the second tier of local government should be abolished in preference of municipal government. Daniel Burke, member for Cressy, told the House of Assembly that ‘to his mind the introduction of town boards throughout the colony had had the effect of preventing the extension of a better system. It would have been better if many of the town boards were extended and created into municipalities’.<sup>394</sup> William Dodery, member for Westmoreland, held the same opinion. He told the Legislative Council ‘the establishment of town boards often discouraged the establishment of, and work of, municipalities’.<sup>395</sup> Even the Attorney-General A. I. Clark admitted ‘the system would give away at some future time to some more comprehensive form of local self-government’.<sup>396</sup>

Another argument pointed to the circumstances of many boards in the rural interior. They were restricted in carrying out town improvements due to a lack of revenue from general rates, because they had to levy the maximum 1s road rate, while neighbouring road trusts struggled to maintain roads under their control from their own revenue.

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<sup>392</sup> *Mercury*, 29 July 1891.

<sup>393</sup> *Mercury*, 2 October 1896.

<sup>394</sup> *Mercury*, 17 September 1896.

<sup>395</sup> *Mercury*, 2 October 1896.

<sup>396</sup> *Mercury*, 17 September 1896.

Would it not be easier to combine both bodies, thereby pooling all road money to better maintain roads, while then allowing towns to levy higher rates and complete more improvements? In 1902 the *Examiner* thought so. Bemoaning the town/country antagonism that in many areas provoked opposition to such an amalgamation, the paper believed that

It is as much to the interest of the people of Devonport, Burnie and Beaconsfield that the roads in the district should be in good order as it is to those rural residents who cart along them. The attempt to separate these interests under the town boards is inequitable and crude. If the community of interests which exist between a centre of population and the surrounding locality is to be preferred, then these artificial boundaries should be swept away.<sup>397</sup>

Town boards for their part wished to remain separate from country areas and resisted efforts after 1900 to draw them into discussion of comprehensive municipal reform.<sup>398</sup> But for all their good work in improving streets, water supply, drainage, lighting, as well as providing other numerous amenities and services, their bargaining position was weak. The limited finances of so many boards, which hindered their efforts at carrying out desired improvements, strengthened the case for their absorption into bigger units with greater population and financial resources. Most importantly, the town board system was seen as obstructing the expansion of municipal government, at a time when winds were blowing in favour of comprehensive municipal reform. If municipal councils were to be established throughout the colony, carrying out such tasks as public works, road maintenance and pest control, then they needed the financial and political clout of the major centres of population that had emerged since the 1880s. Parliament had in the early 1890s stopped the town board system from 'picking out the eyes' of the existing nineteen rural municipalities, and now it had to ensure that it did not prevent the

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<sup>397</sup> *Examiner*, 29 May 1902.

<sup>398</sup> *Mercury*, 22 March 1904; *NWP*, 4 August 1906.

extension of municipal government elsewhere. Therefore, in spite of its good work, and against the wishes of many boards, the town board system that emerged after 1884 faced abolition. While the *Town Boards Act* had indeed proven to be a 'useful measure', by 1906 it was considered an obstacle to comprehensive municipal reform.

### **Part III:**

## **Towards Comprehensive Municipal Government: local government reform 1863-1907**

## Introduction

The first section of this thesis outlined the origins of the permissive system of local government in Australia. The second chapter explained how a desire to promote decentralization underpinned the introduction of the new system. Decentralization was wanted by different groups for different reasons. For conservatives, decentralization was important to check the influence of a democratically-elected legislative body, and municipal institutions were part of a broader scheme of strong upper houses and plural voting designed to put obstacles in front of the popular will of the people. For liberals, decentralization was a response to the autocratic excesses of the convict period, and would help foster some of the attributes vital for successful responsible government, such as liberty, independence and self-reliance. A flourishing system of local government was considered crucial if decentralization was to be successful.

Following the troubled early history of local institutions established around Australia in the 1840s, however, a somewhat cautious approach was adopted when it came time to define the role of local government in the new independent colonies. The system of local government agreed upon was based upon four tenets — that control of municipal government was to be put in the hands of colonial legislatures; that the Governor would have discretion in proclaiming new municipal councils; that generous government aid should be available to help fledgling municipal bodies onto their feet; and that different local authorities could be created to suit Australian conditions.

Along with a desire for decentralization, there was another principle behind the introduction of the permissive system of local government. The mid-nineteenth century

was an era of *laissez-faire* capitalism, with a natural suspicion of ‘big’ government and an even greater fear of higher taxation.<sup>1</sup> This rose on the back of classic liberalism developed in the early nineteenth century.<sup>2</sup> As Greenleaf states, classic liberals held

A view of the individual as ideally subject to as little external restraint as possible, whether this derived from custom or from the overt action of public authority in either church or State. It is creed distrustful of the powers of government because their use might become arbitrary, partial or overwheneing....it is believed, too, that progress and the general welfare depend substantially on private initiative.<sup>3</sup>

Where the government was required to carry out services it was a job best left to local authorities, who could complete tasks more efficiently and cheaply than large government bureaucracies.<sup>4</sup> As we saw towards the end of the second chapter, large sections of the press and population of the settled portion of the colony of Tasmania were sympathetic to this view. The benefits of local government were loudly proclaimed and nineteen rural municipalities and numerous road trusts were quickly established. As Hennock notes, the underlying principle behind this anti-statism was ‘local provision, for local wants, locally identified’.<sup>5</sup>

As the nineteenth century progressed, however, this principle was challenged by the rise of ideologies more sympathetic towards state-intervention to solve social and economic problems, such as ‘new’ or progressive liberalism and socialism.<sup>6</sup> It was no

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<sup>1</sup> M. J. Daunton, *Trusting Leviathan: the politics of taxation in Britain 1799-1914*, (Cambridge, New York 2001) pp. 25-26; P. Mathias, *The First Industrial Nation: an economic history of Britain 1700-1914* (London 1969) Chp. 11; H. K. Girvetz, *The Evolution of Liberalism*, (New York 1963) Chp. 3-4; P. Harling, *The Modern British State: an historical introduction*, (Cambridge 2001).

<sup>2</sup> A. Arblaster, *The Rise and Decline of Western Liberalism*, (Oxford 1984); E. F. Biagini, *Liberty, Retrenchment and Reform: popular liberalism in the age of Gladstone 1860-1880* (Cambridge 1992).

<sup>3</sup> W. H. Greenleaf, *The British Political Tradition: the ideological heritage*, (London 1983) p21.

<sup>4</sup> Daunton, *Trusting Leviathan*, p. 27.

<sup>5</sup> E. P. Hennock, ‘Central/Local Government Relations in England: an outline 1800-1950’, *Urban History Yearbook* 1982 p. 39.

<sup>6</sup> P. Weiler, *The New Liberalism: liberal social theory in Great Britain 1889-1914* (London 1982) p. 184; M. Freedon, *The New Liberalism: an ideology of social reform*, (Oxford 1978); R. F. Haggard, *Persistence of Victorian Liberalism: the politics of social reform in Britain*, (Westport 2000); R. F. Clarke, ‘The Progressive Movement in England’, *Transactions of Royal Historical Society*, 24, 1974, pp. 159-181; A.

longer acceptable to have great disparities between different localities in the same broad geographical unit, simply because local inhabitants had neither the will nor the resources to carry out works and services.<sup>7</sup> Proponents of state-intervention argued that there should be uniform minimum standards across the nation, or sub-division of the nation, and the State had a duty to enforce these standards through regulations and regulatory authorities.<sup>8</sup> State-interventionists were aided in their endeavours by the gradual rise of 'mass' democracy and nationalism in the latter-half of the nineteenth century, creating citizens to whom the State had obligations and responsibilities.<sup>9</sup>

In spite of these developments, there was still, in Tasmania at least, a feeling against extending the powers and scope of the central government.<sup>10</sup> In the 1860s and 1870s a popular and effective rallying call at election time was 'retrenchment', reducing the number and salaries of civil servants in government departments and keeping colonial taxes as low as possible.<sup>11</sup> As Petrow notes, although this attitude softened somewhat from the 1880s, as the government took control of railways and invested heavily in works of infrastructure for instance, up until Federation the public and many members of the political class retained an aversion to high taxes and expanded government bureaucracy.<sup>12</sup>

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Vincent, 'The New Liberalism in Britain 1880-1914', *Australian Journal of Politics and History*, 36(3), 1990, pp. 388-404.

<sup>7</sup> J. Parry, *The Rise and Fall of Liberal Government in Victorian Britain*, (New Haven 1993) p. 205, 238-246

<sup>8</sup> Greenleaf, *The British Political Tradition: the ideological heritage*, Chp. 5.

<sup>9</sup> J. M. Ward, *The State and the People: Australian Federation and nation-making 1870-1901*, (Sydney 2001); R. Birrell, *A Nation of Our Own: citizenship and nation-building in Federation Australia*, (Melbourne 1995).

<sup>10</sup> S. Petrow, 'The State' in A. Alexander (ed.), *The Companion to Tasmanian History*, (Hobart 2005) p. 484.

<sup>11</sup> L. L. Robson, 'Press and Politicians: a study of elections and political issues in Tasmania from 1856, when self-government came into effect, to 1871', (MA Thesis, University of Tasmania 1954); J. A. Nockels, 'Tasmanian Politics and Factions in the 1870s', (BA Hons Thesis, University of Tasmania 1967).

<sup>12</sup> Petrow, 'The State' pp. 484-5.



Local government, therefore, still had an important role to play in Tasmanian society as the nineteenth century drew to a close. The Legislative Council had repeatedly stifled attempts by various ministries from the late 1870s to extend the powers and responsibilities of the central government, adhering to the principle that some duties were to be left in the hands of local bodies. The limited revenue of the colonial government, coupled with the economic recession of the early 1890s, also constrained those who wished to increase public spending and the civil service. In the end a compromise was reached between state-interventionists and members of the 'old guard' who still held onto the ideal of decentralization from Tasmanian impotence in the 1850s. Decentralization was still desired, especially given the financial problems that plagued the colony, but better outcomes from local bodies had to be achieved. In areas such as roads, public health, pest control and education local bodies were left to carry out works and services under the supervision of government departments to ensure that minimum standards were met.<sup>13</sup>

As we saw in the previous section of this thesis, however, by the end of the nineteenth and the beginning of the twentieth century the permissive system of local government in Tasmania was under severe strain, and was failing in certain respects to meet the guidelines laid down by the central government. In chapter three we saw how rural municipalities from the mid-1880s were expected to carry out numerous public works for the benefit of their local residents, but a slim majority did not do so. In chapter four we saw how the road trust system was failing to maintain cross and bye roads around the island, their problems exacerbated by the dawn of the era of mechanized transport. In chapter five we saw how boards established to rid the colony of rabbits and codlin moth

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<sup>13</sup> See R. L. Wettenhall, *A Guide to Tasmanian Government Administration*, (Hobart 1968).

failed to make any substantial reductions of either pest. Finally, in chapter six, the town board system, in spite of its useful works, was hampered from realizing its full potential by limited funds and large debts.

Not only was the permissive system failing — but the main tenets underpinning the system had been slowly eroded by the time of Federation. The provision that generous government aid should be handed to fledgling local bodies to help them onto their feet had been virtually extinguished by the turn of the century. Cuts in government aid had occurred from the late 1880s, partly due to economic restraints and a desire to reduce public expenditure, but also to a belief that it would improve the performance of local bodies.

Under threat as well was the provision that different local bodies should be created for different purposes and to suit Australian conditions. This had led to an explosion in the number of small local bodies carrying out various works, numbering more than three-hundred by 1902.<sup>14</sup> This was tolerable when the emphasis was on decentralization and ensuring ‘local provision, for local wants, locally identified’. But when the focus shifted in the 1880s to an emphasis on outcomes the multitude of small bodies with limited finances became a problem. Another factor to take into account is the consequence that greater democracy and increased participation in local affairs from the 1880s had on the permissive system.

During the 1860s and 1870s there was limited participation in the affairs of local bodies. A restricted franchise favoured the wealthy and large landholders, little interest was taken in local elections, and candidates were often returned unopposed to councils, boards or trusts. From the 1880s, in contrast, the franchise was opened up to the middle-

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<sup>14</sup> *Mercury*, 17 July 1902

classes; progress and improvement associations began lobbying for various works and services; and residents took a greater interest in local affairs, with annual meetings to hear candidate's views before municipal elections becoming more common from the 1890s.<sup>15</sup>

A question then arises — to what extent does the increased democratisation of local institutions create the need for a rationalisation and uniformity of local government?

Citizens in one district could not adequately police the activities of several different bodies, doing different tasks, under varied franchises and methods of selecting candidates, whose minutes may not be regularly reported in the press. Not only was it difficult to hold each body properly to account, leading to corruption and inefficiency, but it bred apathy in voters unable or unwilling to keep up with the proceedings of various bodies. When numerous overlapping bodies and jurisdictions present a problem in ensuring accountability and the effective deliverance of services, the issue arises of whether it would be desirable just to have one local body, which can be scrutinized and held to account by local residents. With the increase in local democracy comes the impetus to rationalize the considerable number of local bodies in the permissive system into a simpler, uniform scheme of local government.

Furthermore, as we saw in the previous section of this thesis, the solution put forward to fix the ailing permissive system pointed in this direction also. When the numerous local bodies and trusts were struggling to maintain roads, curb pests or construct local public works, a strong case was made for vesting all local responsibilities in the largest local body in the island — the municipal council. That the existing nineteen rural municipal councils covered only a portion of the colony, meant that if the plan was to

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<sup>15</sup> See for instance [Deloraine Municipal Council] *Examiner*, 11 December 1895; 2 December 1896; 8 December 1896; 10 December 1902; 8 December 1904; 7 December 1905; [Evandale] *Examiner*, 8 December 1892; 30 November 1893; 11 December 1895; 11 December 1901

hand over all these responsibilities to councils one had to ensure that they were established throughout rural Tasmania. The permissive system, therefore, had to give way to comprehensive municipal government.

However, one of the fundamental tenets of the permissive system was that settlers could not be coerced into forming local bodies against their will. This provision presented a potential obstacle for those reformers wanting comprehensive municipal government. In some Australian colonies, such as Victoria, South Australia and Queensland, this obstacle was easily overcome. Municipal councils had been established in almost all of these colonies during the permissive stage, and required only Acts consolidating these bodies and incorporating the few remaining non-municipal districts left.<sup>16</sup> But in other colonies, such as New South Wales and Tasmania, opposition to the imposition of unwanted local bodies hindered the attempt to extend municipal government throughout the colony. The purpose, therefore, of this section is to examine the efforts of reformers to introduce comprehensive municipal government in Tasmania.

This section will argue that there were two significant obstacles to comprehensive municipal reform. The first was that control of police in the colony was vested in municipal councils. Residents in non-municipal districts were not keen to establish rural municipalities if it meant they were financially responsible for maintaining a police force. Crucial, to the success of comprehensive municipal reform was the issue of police centralization. The second significant obstacle was that the localism prevalent in rural Tasmania led to anxiety over municipal boundaries, which made drafting a bill for comprehensive municipal reform difficult.

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<sup>16</sup> [Victoria] *Local Government Act* 1874; [South Australia] *Municipal Corporations Act* 1880; [Queensland] *Local Government Act* 1879

After some half a dozen attempts over three decades by various governments to wrest control of police from municipal councils, the Braddon government finally succeeded in centralizing police in 1898. Centralization had been thwarted for a long time by stubborn opposition from the nineteen rural municipalities, which stressed the close link between control of police and municipal government. Centralization of police was important for comprehensive municipal reform for two reasons. Firstly, it removed a significant objection that many in non-municipal districts had towards municipal government, namely maintaining a costly police force from local taxes. Secondly, it improved the chances of a bill for major local government reform being carried by parliament.

The second obstacle, however, proved just as difficult to overcome as the police centralization issue. Numerous proposals for comprehensive municipal government were proposed during the latter half of the nineteenth century, all opposed by existing local bodies because they created large municipal districts. Learning from failed attempts at reform in the past, which had sought to introduce large municipalities with little consultation with local bodies, the Propsting government undertook a new approach. Two conferences were held with local bodies in 1904 to lay down the principles of an acceptable bill of local government reform. Chief among these was that municipal districts were not to be too large, preferably coinciding with local 'community of interests'. Secondly, to allay fears of outlying and sparsely-settled districts that they would be ignored and neglected in larger municipalities, the ward system for voting and allocating funds was confirmed.

While the Propsting government laid the groundwork for a new local government bill, it fell to the government of J. W. Evans, looking to increase settlement in rural parts of

the State, to present the bill to parliament in 1906. Success with the bill was aided by placing it in the hands of a private member of parliament, making it a 'non-party' measure less susceptible to partisan politics. The House of Assembly was also willing to make concessions over key provisions with the Legislative Council that had threatened to stall progress on the bill, such as the inclusion of all town boards in the bill and the re-affirmation of plural voting. An independent boundaries commission was then appointed to draft new municipal districts.

The seventh chapter will explore the attempts to introduce comprehensive municipal reform between 1863 and 1900. It will focus particularly on the efforts to vest control of police in the government, and its influence on reform. The eighth chapter will then look at the period after Federation, when several governments attempted to draft a bill introducing comprehensive municipal government acceptable to local bodies and parliament.

## **Chapter Seven: A Step Towards a ‘Higher Form’ of Local Government?: police centralization and comprehensive municipal reform 1863-1900**

The previous section of this thesis argued that by the mid-to-late 1890s the permissive system of local government in Tasmania was under severe strain. Given the reduction of general revenue anticipated as a result of federation, the central government was unwilling to take over the duties of the ailing permissive system of local government. It advocated placing the responsibilities of the numerous local authorities under the control of the largest, and potentially most financially able, local body of the colony — the rural municipality.

The problem for the government was that after the flurry of activity that had seen nineteen rural municipalities formed between 1860 and 1866, inhabitants in the ‘forested fringes’ of the colony had demonstrated an unwillingness to adopt municipal government. They were not particularly adverse to the idea of local government. After all, residents in non-municipal areas had eagerly created road trusts and town boards when given the opportunity to do so. But they did seem reluctant to form municipalities under the *Rural Municipalities Act*. The purpose, therefore, of this chapter is to determine the obstacles that stood in the way of comprehensive municipal reform, and detail the efforts of the central government to overcome them.

Clues can be found in several failed movements to form rural municipalities by residents in non-municipal areas during the colonial period. Proposals for new municipalities were put forward during the 1860s in Port Sorell, the Huon and Circular Head; in the 1870s at Latrobe and Emu Bay; in the 1880s at East Devon and Jerusalem; and in the 1890s at Devonport, Burnie and Port Cygnet. Some of these movements failed

because residents thought their district was not sufficiently wealthy to bear the additional financial burdens of municipal government, especially police. This motive was behind opposition to municipalities in Port Sorell,<sup>1</sup> Circular Head,<sup>2</sup> Latrobe<sup>3</sup> and Jerusalem.<sup>4</sup> In the 1890s Devonport and Burnie residents flirted with the idea of establishing municipalities, but decided to stick with the cheaper town board alternative.<sup>5</sup> It also has to be noted that, in the North West at least, there was considerable support for having control of police in government hands.<sup>6</sup> For instance, when R. D. Stewart proposed in 1891 and 1894 that the town board of Devonport be transformed into a municipality, he explicitly stated that control of police would remain with the government.<sup>7</sup>

The other movements to establish rural municipalities were defeated by an inability of different districts to agree on suitable municipal boundaries. As was noted in chapter two, this was a problem also for many who went on to form the nineteen rural municipalities. In 1861 there was a movement to form a municipality in the Huon comprising the Franklin, Victoria and Port Cygnet districts.<sup>8</sup> Pushed eagerly by the residents of Franklin, the proposal was opposed by those living in other districts, particularly Port Cygnet. The fear was that in a municipality governed from Franklin, ratepayers in outlying districts would be neglected and squeezed to pay for improvements in Franklin only. Addressing a meeting in Port Cygnet against the proposal, J. D. Balfe

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<sup>1</sup> See Archives Office of Tasmania (AOT), Colonial Secretary Department: General Correspondence Files, Port Sorell Rural Municipality File (Ref: CSD 1/140 File 5101).

<sup>2</sup> See AOT, Colonial Secretary Department: General Correspondence Files, Circular Head Rural Municipality File (Ref: CSD 4/79 file 1067).

<sup>3</sup> See 'East Devon: Municipal Action', *Tasmania House of Assembly Journals*, 1877, paper no. 6.

<sup>4</sup> *Mercury*, 5 September 1888.

<sup>5</sup> See [Devonport] *North West Post* (NWP), 28 March 1891, 5 July 1894; [Burnie] *Examiner*, 9 March 1898.

<sup>6</sup> See NWP, 28 March 1891, *Cornwall Chronicle* (CC), 2 August 1876.

<sup>7</sup> NWP, 28 March 1891, 5 July 1894.

<sup>8</sup> *Mercury*, 17 December 1860; *Hobart Town Advertiser* (HTA), 12 January 1861.



declared that 'the Port Cygnet people would not submit to be ruled by the central government of Franklin who would swamp them'.<sup>9</sup>

Another example was a proposal from Emu Bay residents in 1876 for a municipality comprising the Emu Bay, Cam and Table Cape districts.<sup>10</sup> It was opposed primarily on the grounds of economy, many believing the cost of police was financially beyond the means of the proposed municipality.<sup>11</sup> But Table Cape residents suspected the motives of the Emu Bay proponents. The *Cornwall Chronicle's* Table Cape correspondent wrote that 'it is evident that the ultimate intention of Emu Bay is to make Table Cape subservient to Emu Bay, and withdraw some of the advantages that they were so long fighting for'.<sup>12</sup> A further letter to the paper also noted the proposed municipality would 'embitter and perpetuate the feuds between Emu Bay and Table Cape'.<sup>13</sup>

A final example was the attempt to establish an East Devon municipality comprising Latrobe and its outlying rural settlements in 1884. While there was considerable support for the proposal in Latrobe,<sup>14</sup> residents in other areas to be included in the municipality, such as Torquay, Barrington, Spreyton, Stoodley and Dulverton, were less pleased. The fear was that these rural districts outside Latrobe would be taxed to pay for amenities such as sewerage, water and lighting in the town.<sup>15</sup> Most districts also wanted to keep their independence. John Henry, who led the opposition in Torquay against the proposal,

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<sup>9</sup> *Mercury*, 12 January 1861.

<sup>10</sup> *CC*, 26 July 1876.

<sup>11</sup> See *CC*, 26 July 1876 'Proposed Municipality of Emu Bay' by William Cross & 'Emu Bay District and Municipality' by Common Sense; 9 August 1876 'The Proposed Municipality' by Agitation; 14 August 1876 'The Proposed Municipality' by Fabricius.

<sup>12</sup> *CC*, 2 August 1876.

<sup>13</sup> *CC*, 26 July 1876 'Municipality of Emu Bay and Table Cape' by J. H. Palfreyman.

<sup>14</sup> *Devon Herald*, 30 May 1884.

<sup>15</sup> *Daily Telegraph* (DT), 18 June 1884.

warned of the ‘octopus-like grasping of the municipality petitioners of Latrobe, who were straining every nerve to annex parts of the district like Torquay’.<sup>16</sup>

This chapter will argue, therefore, that there were two significant obstacles to comprehensive municipal reform. The first was that control of police in the colony was vested in municipal councils. Residents in non-municipal districts were not keen to establish rural municipalities if it meant they were financially responsible for maintaining a police force. This is shown, not just in the failed movements mentioned above, but also with the creation of twenty-five town boards in the colony after 1884. As was noted in chapter six, town boards had ostensibly the same powers as municipal councils with the exception of police and the dispensation of local justice. Crucial to the success of comprehensive municipal reform was the issue of police centralization.

The second significant obstacle was that the localism prevalent in rural Tasmania led to anxiety over municipal boundaries, which made drafting a bill for comprehensive municipal reform difficult. Localism has been defined either as ‘a sense of place which can influence behaviour’,<sup>17</sup> or as ‘an ideology that elevates local interests above all others, and has the effect of creating alliances or coalitions of classes that obscure class interests and mediate class conflict’.<sup>18</sup> Localism can have positive and negative effects on a community. On the one hand it can build cohesion, pride and loyalty within a locality, as well as fostering greater participation by citizens in public affairs. On the other hand, it can also breed a certain insularity, a suspicion of ‘outsiders’, and a feeling that malevolent forces are out to corrupt or ruin a community. Localism also tends to

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<sup>16</sup> *Devon Herald*, 28 November 1884.

<sup>17</sup> G. Patmore, ‘Localism and Labour: Lithgow 1869-1932’, *Labour History*, 78, 2000, p. 53.

<sup>18</sup> E. Eklund, ‘The “place” of politics: class and localist politics at Port Kembla, 1900-30’, *Labour History*, 78, 2000, p. 94.

produce fierce rivalry between towns or localities within close proximity.<sup>19</sup> Localism in Tasmania grew out of a combination of isolation, the close ties some families had with particular localities, and the relatively fragile existence of some settlements always susceptible to the capricious fate of agricultural and mining booms or busts.<sup>20</sup> Any bill, therefore, dealing with comprehensive municipal reform would have to deal with this localism, and achieve a result satisfactory to those residing in rural areas.

The subjects of police centralization and comprehensive municipal reform have been previously explored by some historians. Several works have concentrated on the history of the police force in Tasmania and touched upon the centralization issue.<sup>21</sup> The most thorough has been Stefan Petrow, who has produced several articles on the history of particular forces in the colony,<sup>22</sup> and one article concentrating solely on police centralization.<sup>23</sup> In this article he saw the debate in the colony over police centralization concentrate on two questions. The first was what was best to improve the economy and effectiveness of the police force — local or central control? The second was what would happen to municipal government if control of police was taken from municipal councils? Petrow covered the first issue particularly well, so this chapter will focus predominantly

<sup>19</sup> I. Gray, *Politics in Place: social power relations in an Australian country town* (Cambridge 1991) pp. 161-172.

<sup>20</sup> See G. Rootes, 'Local Government Reform in Tasmania 1906-1939: with special reference to the North West Coast', (MA Thesis, University of Tasmania 2004) Chp 1.

<sup>21</sup> See A. K. Jackman, 'Development of Police Administration in Tasmania 1804-1960', (Dip.Pub.Admin Thesis, University of Tasmania 1966) pp. 82-101; D. C. Arnold, 'Centralization of the Tasmanian Police 1856-1898', (TCAE unpublished thesis, Held in the Local History Room, State Library of Tasmania Launceston); S. Breen, *Contested Places: Tasmania's northern districts from ancient times to 1900*, (Hobart 2001) pp. 146-148; G. Easton, *Tasmania Police from Force to Service 1803-1999*, (Hobart 1999) p. 29.

<sup>22</sup> See S. Petrow, 'The Hobart Town Municipal Police 1858-1878', *Tasmania Historical Research Association Papers and Proceedings* (THRAPP), 42(4), 1995, pp. 165-184; 'Creating an Orderly Society: the Hobart municipal police 1880-1898', *Labour History*, 75, 1998, pp. 175-194; 'Tolerant Town, Model Force: the Launceston municipal police 1858-1895', *University of Tasmania Law Review*, 16(2), 1997, pp. 235-265; 'Policing in Rural Tasmania: Bothwell 1863-1898', *THRAPP*, 47(2), 2000, pp. 112-125; 'Policing in a Rural Mausoleum? Richmond 1861-1898', *Coal River History*, no. 2, 2003 pp. 8-27.

<sup>23</sup> S. Petrow, 'Economy, Efficiency and Impartiality: police centralization in nineteenth century Tasmania', *Australian and New Zealand Journal of Criminology*, 31(3) 1998 pp. 242-266.

on the second. It will examine the police centralization issue in relation to the changing expectations of municipal government from the 1880s outlined already in chapter three. It will look at the long opposition and eventual acceptance of police centralization by the municipal councils in a little more detail than in Petrow's article.

The movement for comprehensive municipal reform during the nineteenth century has also been covered by other scholars. R. L. Wettenhall deals with it briefly in his *A Guide to Tasmanian Government Administration*.<sup>24</sup> He noted the obstacles to comprehensive reform were non-municipal area residents' dislike of local taxation and unwillingness to control police.<sup>25</sup> In a later article he argued that the pastoralist gentry adopted municipal government in the 1860s because it reflected their values and was a bulwark to centralization.<sup>26</sup> In contrast, those in the 'forested fringes' of the colony were more sympathetic towards centralization and therefore were not particularly concerned with extending municipal government throughout the colony.<sup>27</sup>

Ralph Chapman also deals briefly with comprehensive municipal reform in his chapter in the book *Local Government System of Australia*.<sup>28</sup> He noted that 'a very unstable political situation with frequent changes of executive and rapidly changing coalitions did not provide an environment in which such far-reaching and complex matters could be reasonably discussed'.<sup>29</sup> Opposition to comprehensive reform, he deemed, sprang from

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<sup>24</sup> R. L. Wettenhall, *A Guide to Tasmanian Government Administration* (Hobart 1968).

<sup>25</sup> *ibid.*, p. 313.

<sup>26</sup> R. L. Wettenhall, 'Towards a Reinterpretation of Tasmania's Local Government History', *Journal of the Royal Australian Historical Society*, 67(2), 1981-82, pp. 102-118.

<sup>27</sup> *ibid.*, p. 112.

<sup>28</sup> R. J. K. Chapman, 'Tasmania' in J. Power, R. Wettenhall & J. Halligan, *Local Government Systems of Australia* (Canberra 1981) pp. 705-93.

<sup>29</sup> *ibid.*, p. 715.

the colonists happiness with the prevailing system. They seemed ‘perfectly satisfied with the ad-hocery in which they were enmeshed’.<sup>30</sup>

Finally, two unpublished theses also deal with the topic. The first by V. Gabriel William provides a quick overview of the various attempts to introduce comprehensive reform after 1888.<sup>31</sup> The second, by Grant Rootes, examines in greater detail the broader context and proceedings behind these bills.<sup>32</sup> Rootes notes, for instance, that bills for major local government reform were introduced concurrently with bills for taxation reform. As the government was looking to increase its own revenue, it was also looking to reduce its expenditure by offloading some of its burdens onto municipal councils.<sup>33</sup>

All these works, however, have weaknesses. Wettenhall notes that the powers and duties of town boards established throughout non-municipal districts were similar in many respects to municipal councils.<sup>34</sup> But he then argues that people in the forested fringes rejected the idea of municipal government because they were committed to the central government providing work and services. There is a contradiction here. The question that should be asked is why did settlers in the forested fringes prefer town boards to municipal councils? The answer, as was revealed in chapter six, was that townsfolk in these regions did not want the control of police nor did they want to govern rural areas, which they thought would block efforts to raise funds for town improvements.

Similarly, Chapman is more than likely correct that colonists preferred the existing *ad-hoc* permissive system, but he does not ask why. The reason was that the voluntary character of the permissive system fitted perfectly with the localism existing in rural

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<sup>30</sup> *ibid.*, p. 716.

<sup>31</sup> V. G. William, ‘Local Government Reform 1906-07: a permanent panacea?’, (BA Hons Thesis, University of Tasmania 1969) Chp 3.

<sup>32</sup> Rootes, ‘Local Government Reform in Tasmania 1906-1939’, pp. 60-70.

<sup>33</sup> *ibid.*, p. 62.

<sup>34</sup> Wettenhall, *A Guide to Tasmania Government Administration*, p. 313.

Tasmania. It ensured that districts were not bound or forced into arrangements where they were likely to be neglected or exploited. The permissive system allowed local districts to form boundaries that corresponded to their 'community of interest'. Lastly, while the theses of Gabriel William and Rootes deal admirably with the various bills put forward for local government reform from the 1880s, they ignore for the most part the close connection between municipal reform and police centralization.

There is, therefore, room for another interpretation of comprehensive municipal reform which takes into account both police centralization and localism existing in the colony. This chapter will argue that by 1900 of the two significant obstacles to comprehensive municipal reform only one — police centralization — had been overcome by the government. After some half a dozen attempts over three decades by various governments to wrest control of police from municipal councils, the Braddon government finally succeeded in centralizing police in 1898. Centralization had been thwarted for a long time by stubborn opposition from the nineteen rural municipalities, who stressed the close link between control of police and municipal government. They argued during the 1860s and 1870s that to take away the responsibility for maintaining police would leave them with little to do, effectively spelling the end of local government in the colony.

Several ministries attempted to undermine this argument during the 1880s. Legislation was passed forcing municipalities to pay more attention to public works, and bills granting extensive powers and responsibilities, suggesting in the words of A. I. Clark a 'higher form' of local government for the colony,<sup>35</sup> were unsuccessfully submitted to parliament. In the end it was economic self-interest, rather than idealism, that proved crucial to persuading municipalities to relinquish control of police. The

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<sup>35</sup> *Mercury*, 10 November 1887.

recession of the early 1890s, coupled with reduction in grants-in-aid, squeezed municipal finances. Many of the smaller and poorer rural municipalities looked to jettison the financial burden of police. The Braddon government seized this opportunity and, through astute political manoeuvring, steered police reform through parliament. Centralization of police was important for comprehensive municipal reform for two reasons. Firstly, it removed a significant objection that many in non-municipal districts had towards municipal government, namely maintaining a costly police force from local taxes. Secondly, it improved the chances of a bill for major local government reform being carried by parliament.

But the second significant obstacle to comprehensive municipal reform — drafting a bill acceptable to the people — remained unresolved by 1900. Numerous bills for comprehensive municipal reform had been introduced and had failed. The government's insistence that large districts would be the result of local government reform was unpopular with local bodies and the broader population. As a consequence of the localism so prevalent in rural Tasmania during the colonial period, settlers wanted local bodies to be relatively small in size and boundaries to correspond with local 'community of interests'.<sup>36</sup> The attempt by the Fysh, Braddon and Lewis governments to assuage these fears by trying to balance the preservation of local interests within large municipalities was unsuccessful. If comprehensive municipal reform was to succeed, a satisfactory solution to the problem of local government boundaries would need to be found.

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<sup>36</sup> See Rootes, 'Local Government Reform in Tasmania', Chp 1.

*The 1860s and 1870s*

Following the introduction of self-government to the colony in 1856, the management of local police was a subject of particular interest to new Tasmanians. Anxious to avoid the brutality, corruption and inefficiency experienced during the convict period,<sup>37</sup> debate soon arose over just what was the best method of organizing a police force for a free colony.<sup>38</sup> In 1857 a Royal Commission was created to investigate the existing public service, including police, and suggest improvements. It considered whether to continue the existing practice of vesting control of police under one central authority or, as was the case in England, handing over the control of police to numerous local bodies, such as municipal councils. Foremost in the minds of commissioners was a 'desire to relieve the public revenues of the country', given the initial difficult economic circumstances expected in the colony after self-government.<sup>39</sup>

Consequently, the commission favoured local control, believing 'the parties whose interests are most directly concerned, and for the protection of whose lives and properties the creation of this Department become a necessity, are best enabled to judge of the force required to fulfil this end; while the provision of the revenue to defray the expenditure is a sufficient check to prevent any unnecessary or wanton expenditure being incurred'.<sup>40</sup> The commission therefore recommended that the colony be divided into districts, each preferably governed by a municipal council, to 'whom shall be confided the appointment,

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<sup>37</sup> See S. Petrow, 'After Arthur: policing in Van Diemen's Land 1837-46' in M. Enders & B. Dupont (ed.), *Policing in the Lucky Country* (Sydney 2001) pp. 176-198.

<sup>38</sup> Petrow, 'Economy, Efficiency and Impartiality', pp. 244-5.

<sup>39</sup> 'State of the Public Service: report of the commissioners', *Journal of the House of Assembly*, 1857, paper no. 2 p. 7.

<sup>40</sup> *ibid.*, p. 22.



control and management of the police of the district, with such other functions as the government may see fit to entrust to them', with the power to levy rates to defray the cost of maintaining a police force.<sup>41</sup> It also suggested that magisterial duties currently carried out by government-appointed and paid officials, could be transferred to municipal councillors.<sup>42</sup>

Later that year the Smith government passed the *Municipal Police Act*, placing control of police in the hands of the Launceston and Hobart municipal councils. The Act also expected the recently-established position of Inspector of Police, occupied by John Forster, to enquire into and report annually to parliament on the efficiency of municipal forces.<sup>43</sup> The following year section 79 of the *Rural Municipalities Act* gave 'charge and control' of police to rural municipalities formed under that Act.<sup>44</sup>

Between 1860 and 1862 ten rural municipalities had been formed, predominantly in the South-East corner of the colony. In 1863 the new Whyte government, seeking to effect some retrenchment in public spending, made the first attempt to abolish the permissive *ad-hoc* method of establishing rural municipalities in favour of a comprehensive compulsory system. It circulated a bill promising to create municipalities in nearly all of the settled portions of the colony, alter the boundaries of existing rural municipalities to make this possible, and vest more responsibilities in the new councils.<sup>45</sup>

This immensely unpopular bill was opposed on four grounds. The first invoked the compulsory character of the bill, repudiating one of the key tenets of the permissive system of local government. As the *Mercury* pointed out, it was 'inimical to the liberties

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<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*, p. 23.

<sup>43</sup> *Municipal Police Act* 1857.

<sup>44</sup> *Rural Municipalities Act* 1858.

<sup>45</sup> *Mercury*, 22 August 1863; *HTA*, 25 March 1863.

of the people to create municipalities, without their own motion to that effect, or against their will'.<sup>46</sup> The second complaint that it was premature to introduce municipalities into certain districts, such as the North West or the Far South. It was argued that these districts were just not ready for municipal government, due to their population being sparsely scattered over a large territory, in addition to being relatively poor. Critics also pointed to the injustice of altering boundaries of existing rural municipalities without consulting either the councils or the residents involved.<sup>47</sup> The final objection to the bill was that some districts were not prepared to shoulder the cost of maintaining a police force required under municipal government.<sup>48</sup>

The Attorney-General R. B. Miller defended the principle behind the bill: unless the government, 'interfered, small and wealthy districts would form themselves into municipalities, and lean and hungry districts would be utterly unable to take municipal action themselves, and would be utterly rejected by the rich districts around them'.<sup>49</sup> However, given the hostility that greeted it, the government decided to withdraw the bill until a later date.<sup>50</sup> In any event, a flurry of activity in 1863 and 1864 saw most of the settled portion of the colony adopt municipal government voluntarily. By 1865 eighteen rural municipalities were in existence.

In that year the government decided to consolidate the existing rural municipal law in the colony. Introducing a bill for that purpose to parliament Miller suggested that, despite the rapid expansion of municipal government in rural areas, it was time 'the

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<sup>46</sup> *Mercury*, 22 August 1863.

<sup>47</sup> *Mercury*, 1 August 1863, 5 August 1863, 6 August 1863, 11 August 1863.

<sup>48</sup> *Mercury*, 22 August 1863.

<sup>49</sup> *Mercury*, 12 August 1863.

<sup>50</sup> *ibid.*

whole island should be divided into municipal districts'.<sup>51</sup> This was especially desirable so that the financial burden of police could be offloaded from the general revenue onto local bodies. While the rest of parliament agreed with this end, it reaffirmed the need to retain the voluntary principle of establishing municipalities. A compromise was reached with the government that, in order to facilitate the spread of municipal government, the *Rural Municipalities Act* 1865 would divide the non-municipal parts of the colony into potential municipal districts requiring only petitions from a certain number of residents to activate them.<sup>52</sup> Despite such encouragement, only one more rural municipality was formed, at Campbell Town in 1866. As was seen in chapter three, of the two roles allocated to municipal councils by the new Act — police and public works — it was the former that was taken most seriously. Indeed, rural municipalities eagerly embraced local control of police, with expenditure on police far exceeding money spent on other pursuits.

The rejection of comprehensive municipal government required the Whyte ministry to defer a bill governing police introduced in parliament towards the end of 1865. The *Police Regulation Act* repealed the *Municipal Police Act*, and further elaborated on the powers and organization of police in the colony. Although the Whyte government hoped the spread of municipalities would continue, the new Act created a dual system of police control in case it did not. Under the new arrangement, the Inspector of Police was to appoint and then oversee the work of constables in non-municipal police districts.<sup>53</sup>

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<sup>51</sup> *Mercury*, 10 August 1865.

<sup>52</sup> *Rural Municipalities Act* 1865; there were eleven potential municipal districts: Franklin, Kingsborough, Queensborough, New Town, Port Davey, Selby, George Town, Lake District, Mersey, Emu Bay, Russell.

<sup>53</sup> *Police Regulation Act* 1865.

Called territorial police, by 1867 eight police districts had been formed with a ninety-two strong force located in them.<sup>54</sup>

The dual system had scarcely been put in to effect when the Dry ministry, coming to power in late 1866, provoked the first substantial debate on the police centralization issue. It reduced grants-in-aid to the municipalities on the grounds of retrenchment and economy.<sup>55</sup> In response, many rural municipalities either sacked constables or reduced their pay.<sup>56</sup> Fearing the effects such retrenchment would have on the effectiveness of municipal police, John Meredith, member for Glamorgan, tabled a motion in September 1867 calling for police to be 'under the direct control of the executive government'.<sup>57</sup> He believed that it would be cheaper to maintain a police force under central rather than local control, and that the savings could be used to increase the pay of constables, thereby boosting morale and their performance. He also pointed to the pernicious influence that wardens and councillors exerted over constables, hindering their work.

The motion met a cool response in the Assembly, most members asserting that the municipal system was working well. Some argued that there was a necessary link between municipal government and control of local police, and to remove the latter would effectively spell the end of the former. George Gibson, member for Ringwood, proclaimed that 'it was a monstrous proposition to do away with the whole municipal government of the country at one sweep'.<sup>58</sup> Even the Attorney-General W. L. Dobson admitted that as 'parliament had created the municipal authorities who had undertaken the management of police, and so long as the people desired that these bodies should

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<sup>54</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 244.

<sup>55</sup> *Mercury*, 1 September 1866.

<sup>56</sup> 'Municipal Constabulary Force: inspectors report 1866-67', *Tasmania House of Assembly Journals*, 1867, paper no. 30 p. 4.

<sup>57</sup> *Mercury*, 13 September 1867.

<sup>58</sup> *ibid.*

have charge of the police, the House could not interfere with municipal action'.<sup>59</sup> Meredith's motion was overwhelmingly rejected by the House. The *Mercury* welcomed the decision: 'we owe too much to municipal action in the country districts to allow any slight being thrown upon those to whom we are indebted for its successful working'.<sup>60</sup> Believing that local financial responsibility for police produced an economical and efficient force, the paper concluded that 'so long as the municipalities have to support the police by a rate, the government has no right to resume the control over them'.<sup>61</sup>

If the withdrawal of grants-in-aid had stirred the police centralization movement, greater impetus was given by the agricultural recession of the late 1860s, prompting further cuts in police expenditure by many councils. The *Mercury*, so adamant in its support for local control in 1867, was by 1869 proclaiming 'the necessity of centralizing the police force of the colony, and placing it under some department of government'.<sup>62</sup> The reason behind this change of heart was that the reduction in wages by the municipalities had demoralized the police force.<sup>63</sup> Local constables were now 'in a continual state of uncertainty' about their jobs, and therefore were unwilling to risk offending councillors or ratepayers who employed them. Such was the evil 'inseparable from placing a police force under local control and under a rate to be fixed and levied by a local authority'.<sup>64</sup> The paper now dismissed the claim that rural municipalities would disappear if control of police was taken from them, arguing 'that the municipalities might

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<sup>59</sup> *ibid.*

<sup>60</sup> *Mercury*, 12 September 1867.

<sup>61</sup> *ibid.*

<sup>62</sup> *Mercury*, 29 April 1869.

<sup>63</sup> *ibid.*

<sup>64</sup> *Mercury*, 14 May 1869.

appropriate all their municipal revenues...for local improvements apart from police purposes'.<sup>65</sup>

Criticisms of local control appeared frequently in the press. There were complaints about the undue influence municipal councillors had over police.<sup>66</sup> Constables were often unwilling to charge councillors, or prominent landowners who might become councillors, in fear that they might subsequently lose their jobs.<sup>67</sup> It was also alleged that councillors abused their power of patronage, persuading policemen to overlook the indiscretions of friends and family.<sup>68</sup> A former constable told the *Cornwall Chronicle* that 'I could not any longer suffer to be hampered, humbugged or misruled by men, the majority of them wholly illiterate, and as much competent to manage a police force as I am to be Attorney-General'.<sup>69</sup> Another remarked that 'the state of things existing in the rural municipalities of Tasmania at the present time...calls loudly for reform. We have municipal magistrates involving themselves in all sorts of petty squabbles with their subordinates, or exhibiting the grossest partiality in the discharge of the functions of their important office'.<sup>70</sup>

Inconsistency between municipalities in applying the measure of the law was another grievance, with some councils very strict in enforcing provisions of the *Police Act* 1865, other councils rather lax.<sup>71</sup> In his 1870 report to parliament John Forster noted 'that much difference...prevails in the manner in which the provisions of the police and other

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<sup>65</sup> *Mercury*, 10 April 1869.

<sup>66</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 247.

<sup>67</sup> *Examiner*, 14 November 1874 'Campbell Town Police' by Vigil; 23 September 1871 'Centralization of Police' by Joesph Badcock; CC, 29 May 1867 'Control of Police in Tasmania' by One Who Has Held a High Position in the Victorian Police; 18 December 1871 'Police Centralization' by Tasmania.

<sup>68</sup> Petrow, 'Economy, Efficiency and Impartiality', pp. 248-9.

<sup>69</sup> CC, 22 June 1867 'Local Control of Police in Tasmania' by A Police Officer.

<sup>70</sup> CC, 28 August 1867 'Tasmanian System of Local Control of Police' by A Very Humble and All But Ex-Constable.

<sup>71</sup> *Examiner*, 9 September 1873, 'Campbell Town Police' by Pro Bono Publico; CC, 8 September 1869 'The Municipal Police' by Verax.

Acts affecting protection of property and good order are carried out in different municipalities — leniency towards offenders apparently prevailing to too great an extent'.<sup>72</sup> Further criticism was levelled at the lack of co-operation between municipal police that hindered the apprehension of offenders, especially those that stole sheep,<sup>73</sup> and at the performance of municipal magistrates.<sup>74</sup> A correspondent to the *Mercury* in 1871 declared that 'Tasmania cries aloud for justice, of which most of our country courts are a complete mockery'.<sup>75</sup>

Forster too was displeased at further aspects of local control. In 1871 he bemoaned the reduction in pay of many municipal police, which had led to resignations of existing constables and an inability to attract new recruits.<sup>76</sup> In 1873 he warned that retrenchment by municipal councils had diminished the efficiency of their police force. 'The uncertain tenure of office' caused by retrenchment he continued, 'both of offices and men, and the absence of any prospect of gradual advancement, it is evident is having a very dispiriting effect on them'.<sup>77</sup>

Supporters of local control pointed to the benefits of having democratically-elected officials in charge of police. If the public was dissatisfied with the performance of constables, they could either pressure their municipal representatives for changes or elect new councillors to carry out the task. Under local control poorer residents had at least some influence over the conduct of police, whereas the old system had tended to favour the 'master' over the servant. Bribery and corruption was also less likely in a system

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<sup>72</sup> 'Municipal Police: inspector's report', *Tasmania House of Assembly Journals*, 1870, paper no. 20 p. 3.

<sup>73</sup> *Mercury*, 7 November 1872, 18 November 1872.

<sup>74</sup> *Mercury*, 16 August 1870 'The Police Force and the Municipalities' by A Lover of Pure Justice; 25 July 1871 'Municipal Rule vs Police Magistrates' by Jacobus.

<sup>75</sup> *Mercury*, 5 December 1871 'Municipal Justice' by Fair Play.

<sup>76</sup> 'Municipal Police: inspector's report', *Tasmania House of Assembly Journals*, 1871, paper no. 23 p. 3.

<sup>77</sup> 'Municipal Police: inspector's report', *Tasmania House of Assembly Journals*, 1873, paper no. 20 p. 3.

where constables, and the councillors who supervised them, could be held accountable for their actions.<sup>78</sup> Proponents also warned that centralization would lead to higher taxation<sup>79</sup> and the abolition of municipal government.<sup>80</sup>

While the Wilson government considered introducing a bill for police centralization in 1870,<sup>81</sup> it was not until after the Launceston railway rate riots in 1874 that the Kennerley government took action.<sup>82</sup> In July, the Attorney-General, W. R. Giblin, moved that a select committee be appointed to investigate police in the colony, and ‘the best mode of providing for the future management, control and support of such police’.<sup>83</sup> In supporting the proposal, Giblin thought ‘there was no doubt that the present system required altering’, especially in light of the recent riots, to ensure ‘the want of proper unity and action’ in the police force of the colony.<sup>84</sup> While pointing to the common criticisms of local control — poor pay and undue influence of councillors in particular — Giblin admitted police centralization presented a dilemma, namely:

In this colony it seemed to him to be a very great difficulty to know how they were to continue the existence of those local bodies, and how in fact they were to secure their services, if the control of police was withdrawn...it has been said by the local bodies, if we have not the police to look after and manage, what is there for us to do?<sup>85</sup>

He suggested that roads could be given to rural municipalities that, along with amalgamations and a liberalization of the municipal franchise, would create ‘many

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<sup>78</sup> *Mercury*, 21 July 1871 ‘A Plea for Municipalities’ by Currente Calamo.

<sup>79</sup> *Mercury*, 3 April 1874 ‘Centralization of Police’ by Enquirer.

<sup>80</sup> *Mercury*, 24 March 1873 ‘Police Centralization’ by Publicola.

<sup>81</sup> See *Tasmania House of Assembly Journals*, 1 September 1870, p. 16.

<sup>82</sup> See S. Petrow, ‘Turbulent Tasmanians: anti-railway rate and sectarian riots and police reform in the 1870s’, *Australian Journal of Legal History*, 3, 1997, pp. 1-24; ‘Resisting the Law: opposition to the Launceston and Western Railway Rate 1872-1874’, *University of Tasmania Law Review*, 15(1), 1996, pp. 77-104.

<sup>83</sup> *Mercury*, 31 July 1874.

<sup>84</sup> *ibid.*

<sup>85</sup> *ibid.*



matters requiring their attention altogether irrespective of the question of police'.<sup>86</sup> The rest of the Assembly was unimpressed by the suggestion and skeptical of the benefit of appointing a select committee on the matter. The resolution was therefore narrowly defeated.

The matter rested until a change of government occurred in 1876, with Thomas Reibey becoming Premier. In April 1877 he sent a circular to all rural municipalities telling them that 'the time has arrived when an alteration in the existing system is imperatively demanded'.<sup>87</sup> Reibey proposed that primary control and distribution of all police be placed in the hands of the government, with the 'detailed arrangements' left to municipal bodies. As a concession to the municipal councils, if a successful bill for centralization was passed he promised that existing municipal appointments would remain until death or resignation, when the executive would then take over.<sup>88</sup> The move would be one of gradual reform rather than sudden revolution.

The circular provoked an angry response from the rural municipalities. T. W. Monds, a member of the Westbury Municipal Council, declared that 'police formed the principal part of the business of the council'.<sup>89</sup> Therefore, municipal councillors saw the centralization proposal as a deliberate slur on their character and competency, and a step towards the abolition of all municipal government.<sup>90</sup> William Beveridge, another member of the Westbury Municipal Council, warned that the 'government were only

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<sup>86</sup> *ibid.*

<sup>87</sup> 'Police Centralization: correspondence', *Tasmania House of Assembly Journals*, 1877, paper no. 18 p. 3.

<sup>88</sup> *ibid.*

<sup>89</sup> *CC*, 20 April 1877.

<sup>90</sup> *Mercury*, 18 April 1877, 25 April 1877, 27 April 1877, 2 May 1877, 7 May 1877, 12 May 1877.

trying to get the thin edge of the wedge in, and they would eventually do away with the municipalities'.<sup>91</sup> The Campbell Town Municipal Council also protested that they were

opposed to centralization, as it has been laid down by an eminent authority that there must be life, common action, and freedom in the little things of municipalities in order that there may be life and common action and freedom in the greater things of a nation, as in countries where there is real political life there is a constant tendency to increase the sphere of municipal action and duties instead of diminishing them.<sup>92</sup>

While some councils wanted to see a draft bill before commenting further, and the Sorell Municipal Council called for a Royal Commission on the subject, the government was left in no doubt that the majority of municipal councils were firmly against centralization.<sup>93</sup> The Reibey government, already under considerable pressure, had little inclination to pursue such a politically-charged issue, and took no further action before it fell in August 1877.

While the *Examiner* applauded the stout resistance of the municipal councils,<sup>94</sup> the *Mercury* was less pleased. As early as 1872 the paper had noted 'they act on the assumption that the management of the police is a portion of the municipal system. We believe it to be an injurious excrescence on the proper functions of municipal government, and that the municipal authorities, troubling themselves with the control of police, forget their legitimate functions — the sanitary and locomotive condition of the area under their control'.<sup>95</sup> It reconfirmed its view that the 'worth of municipal institutions is very much marred and hindered by that interference with police matters'.<sup>96</sup> It was time for municipal councils to dispense with the management of police, and fully

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<sup>91</sup> CC, 20 April 1877.

<sup>92</sup> 'Police Centralization: correspondence', *Tasmania House of Assembly Journals*, 1877, paper no. 18 p. 9.

<sup>93</sup> See AOT, Colonial Secretary Department: General Correspondence files, police centralization (Ref: CSD 10/50 file 1087).

<sup>94</sup> *Examiner*, 21 April 1877.

<sup>95</sup> *Mercury*, 28 May 1872.

<sup>96</sup> *Mercury*, 3 July 1878.

exercise the other powers given to them under the *Rural Municipalities Act*, in order to ‘raise municipal institutions to their fitting position’.<sup>97</sup>

The *Cornwall Chronicle* also argued for a shift in emphasis on the part of municipal councils from police to local works. In 1871 it had complained that ‘half the time of councillors in many municipal districts is now taken up in squabbling over questions relating to police control, to the detriment of the streets and roads in the municipality, the sanitary arrangements, and other matters far more closely affecting the direct interests of the burgesses’.<sup>98</sup> In July 1878 the paper called for the control of police to be stripped from municipal councils. ‘They ought’, it continued, ‘to have quite enough to look after and maintain the roads, streets, drains of the several municipalities’.<sup>99</sup>

Such a prospect seemed unlikely at the end of the 1870s. Despite tentative overtures by several ministries, proposals to centralize the control of police had been defeated in parliament and strongly resisted by municipal bodies. Granted two roles by the *Rural Municipalities Act* — police and public works — councils had given priority to the former, almost to the complete neglect of the latter. Some even associated municipal government *with* police control, presenting a significant obstacle to those who wanted to centralize police. If reform was to be carried out, municipal councils had to be encouraged to be more energetic in fulfilling the second role allocated to them — public works. If they could be persuaded that municipal government would continue to exist and contribute usefully to the colony even if control of police was taken from it, the movement for centralization might be successful. Such was the task pursued by reformers in the 1880s.

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<sup>97</sup> *ibid.*

<sup>98</sup> *CC*, 29 December 1871.

<sup>99</sup> *CC*, 6 July 1878.

### *The 1880s*

As was previously mentioned in chapter three, the 1880s were a turning point in the history of rural municipal government in the colony. In terms of carrying out local works, the 1870s had not only seen the failure of the boards of works adequately to fulfil the task, but also the Legislative Council block attempts by the central government to take over direct responsibility for public works of a local nature. The upper chamber defended the principle that local works were the responsibility of local bodies, and suggested that municipal councils should be enlisted to carry them out. The 1870s also saw a profound disillusionment with the performance of municipal government in the colony, fuelled in part by the criticism of the municipal councils handling of police and local justice just mentioned, that prompted calls for the municipal franchise to be liberalised to breathe new life into municipal affairs.

The result was that changes to municipal legislation in the early 1880s attempted to alter the behaviour of municipal councils. In 1885 the Douglas ministry passed the *Education Act*, placing supervision of schools in the hands of municipal councils. It also passed the *Health Act*, putting more pressure on councils to provide water supply, drainage and the removal of sewerage, tasks for the most part they had neglected during the 1860s and 1870s. In 1884 the Douglas ministry had passed the *Rural Voting Act*, curbing the influence of wealthy ratepayers, and opening up the franchise to poorer residents. This in turn saw the rise of progress and improvement associations in many municipalities that pushed for a wide range of works and services, such as public libraries, recreation grounds, town lighting and footpath repair. These changes were an

attempt by the government and ratepayers to shift some of the emphasis of municipal councils from police and law and order to public works to improve the health and well-being of municipal residents.

To push the process along, further efforts were made to centralize the police of the colony. Following murmurs that some municipalities were considering handing over control of police in 1878,<sup>100</sup> and the so-called Chiniquy riots in 1879,<sup>101</sup> Giblin, now premier, appointed a select committee in September 1880 to 'enquire into and report upon the working of the police system throughout the colony'.<sup>102</sup> The committee heard testimony from John Swan, who had replaced Forster as Inspector of Police in 1875, speaking in favour of centralization. He believed that police centralization would have only a minimal impact upon municipal government, telling the committee that 'it would not affect municipal action in any matters not connected with police'.<sup>103</sup> He thought the municipal fears that taking away control of police would spell the end of local government, and a return to the tyranny of the convict period, were groundless.<sup>104</sup> The remaining witnesses were divided on the issue. Those involved in the municipal system defended it strongly, although they admitted that some small improvements were necessary. Other witnesses who worked with territorial police stressed the benefits that a unified force would bring.<sup>105</sup> The select committee produced only a short progress report,

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<sup>100</sup> *Mercury*, 3 July 1878, 29 July 1878; see also Glamorgan Municipal Council to Colonial Secretary, 7 November 1876, AOT, Colonial Secretary Department: General Correspondence files, Glamorgan Municipal Council (Ref: CSD 10/45 file 925).

<sup>101</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 251; S. L. Warne, 'Sectarianism in Hobart: the Chiniquy disturbances' (BA Hons Thesis UTAS 1978).

<sup>102</sup> 'Police Committee: progress report and evidence', *Tasmania House of Assembly Journals*, 1880, paper no. 132 p. 3.

<sup>103</sup> *ibid.*, p. 6.

<sup>104</sup> *ibid.*, p. 7.

<sup>105</sup> *ibid.*, pp. 5-19.

compiling the evidence they had received, and no final report with recommendations was ever completed.

The Giblin government introduced several bills in 1881 making minor adjustments to the *Police* and *Police Regulation* Acts,<sup>106</sup> but seemed to have wanted to avoid further action on the centralization issue. This was despite some parliamentarians calling for an end to the dual system of police control, either wanting the introduction of centralization, or the extension of municipal government throughout the colony to reinforce local control.<sup>107</sup> David Lewis, member for Central Hobart, supported centralization. He argued that ‘they had a lot of little princes in the country municipalities who domineered over the people whenever they got the chance. There were municipalities who had nothing else to do but to look after three or four police. The whole thing was rotten’.<sup>108</sup>

While the Giblin government declined to move on the matter, its successors were not. The ministry headed by Adye Douglas, extended the municipal franchise with the *Rural Voting Act* and granted extra powers and responsibilities to municipal councils via the *Education* and *Health* Acts. In 1886 the government, now led by James Agnew, turned its attention to the police centralization question after renewed press attention on the issue.<sup>109</sup> The *Daily Telegraph* favoured centralization, and in 1883 had stated in an editorial that ‘the severance of the police from local control would not injuriously affect municipal government. On the contrary, it would relieve our local institutions from a burden which is quite foreign to principles upon which they are founded’.<sup>110</sup> In a series of editorials in

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<sup>106</sup> *Police Act Amendment* 1881; *Police Regulation Act Amendment* 1881.

<sup>107</sup> *Mercury*, 5 October 1881.

<sup>108</sup> *ibid.*

<sup>109</sup> *Examiner*, 17 July 1886.

<sup>110</sup> *Telegraph*, 30 April 1883.

the first half of 1886 it took up this line of argument again,<sup>111</sup> declaring in April that ‘municipal councillors should have the sole control of all local matters. They should be the only elected body in the district, having roads, drainage, irrigation, hospitals etc under their supervision — but not the police’.<sup>112</sup> In September 1886 the government appointed a select committee to inquire into the centralization of police in the colony.<sup>113</sup>

The committee held thirteen meetings and examined nineteen witnesses. Its main focus was on the economy and efficiency of the dual system of control, and the benefits or drawbacks of introducing centralization. A majority of the witnesses favoured centralization, a few supporting the dual system, and only one advocating the spread of municipal government throughout the colony with local control of police. While opinion was divided over whether the lack of co-operation between municipal and territorial police hampered the effectiveness of local control, a majority of witnesses either affirmed, or had heard second hand, that councillors exerted an undue influence over constables, to the detriment of their work. A majority too favoured a detective force for the colony, and believed it would only be effective under a centralized system.<sup>114</sup>

The benefits of centralization were also laid out. A significant portion of witnesses thought that the ‘united and concerted’ action of police would be improved under centralization. Most agreed that the promotion of performing constables, and the removal of under-performing officers, would be more effective under central control. Almost all believed that centralization would secure ‘life and property’ better than local or dual control. A slim majority were confident that police under central control would be more

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<sup>111</sup> *DT*, 12 January 1886, 20 January 1886, 29 January 1886, 24 April 1886.

<sup>112</sup> *DT*, 30 April 1886.

<sup>113</sup> *Tasmania: Journals and Printed Papers of Parliament*, JPPP(Tas.), 1886, House of Assembly Voting and Proceedings, p. 51.

<sup>114</sup> ‘Centralization of Police: report of select committee’, *JPPP(Tas.)*, 1886, paper no. 163, Evidence, pp. 2-40 *passim*.

economical and efficient than the present system. Some witnesses, however, argued that the force at Hobart and Launceston under municipal control was working effectively, and therefore centralization should only apply to rural areas. Others believed that a centralized system could be created while leaving some room for local control by municipal councils.<sup>115</sup>

The committee also asked whether centralization would 'affect municipal action in any matter not connected with police?'.<sup>116</sup> James Coulter, superintendent of the Launceston Municipal Police, stated that 'it would seriously affect municipal action'.<sup>117</sup> He thought that under centralization municipalities would have trouble enforcing some of its by-laws because police would deem them of low priority and therefore be tardy in taking action against those who infringed them.<sup>118</sup> Frederick Pedder, superintendent of the Hobart Municipal Police, told the committee that 'I do not know what the municipalities would have to do if they had not the police to manage'.<sup>119</sup> However, other witnesses testified that removing police would have little effect on other municipal duties carried out by councillors.<sup>120</sup> Even Daniel Burke, the warden of Westbury, who was skeptical of the benefits of centralization, admitted that 'wardens as a rule have plenty to do...there are lots of other matters that they have to attend to'.<sup>121</sup>

The report noted 'a strong feeling that the effect on any system of centralization shall not be such as will in any degree impair the efficiency or limit the healthy power of

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<sup>115</sup> *ibid.*

<sup>116</sup> *ibid.*, evidence, p. 2.

<sup>117</sup> *ibid.*

<sup>118</sup> *ibid.*

<sup>119</sup> *ibid.*, p. 8.

<sup>120</sup> *ibid.*, p. 11, 23, 28, 30.

<sup>121</sup> *ibid.*, p. 15.



municipal institutions'.<sup>122</sup> It concluded that the dual system was 'injurious to the good working of the police force of the colony', and recommended the centralization of municipal and territorial police under one administrative head. However, ideally, a system would be created giving municipalities some input into the management of police.<sup>123</sup>

The *Mercury* welcomed the report, stating 'there is shown to be in the country districts a want of that unity of action and of supervision which is necessary for the success of any police system, and which must always exist so long as the present system is maintained'.<sup>124</sup> The *Examiner* was less happy, claiming a majority of committee members and witnesses had been selected because of their known support of centralization, and that the committee's questions had been weighted in favour of the issue.<sup>125</sup> The paper labelled the report 'a mere make-believe to disguise a foregone conclusion...the truth is the committee engaged in a fishing undertaking to elicit facts that would sound the death-knell of municipal government in Tasmania'.<sup>126</sup>

The Agnew government fell in early 1887, and so it was left to the Fysh government to introduce a bill carrying out the recommendation of the report. The Attorney-General, A. I. Clark,<sup>127</sup> when introducing the bill to the House of Assembly, called the present system a failure. The evils of local and dual control had been well advertised, he continued, namely the jealousy between authorities that hindered the detection and arrest of offenders, and the improper influence exercised over police by their rural municipal

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<sup>122</sup> *ibid.*

<sup>123</sup> *ibid.*

<sup>124</sup> *Mercury*, 19 November 1886.

<sup>125</sup> *Examiner*, 25 November 1886.

<sup>126</sup> *Examiner*, 1 December 1886.

<sup>127</sup> See S. Petrow, 'Andrew Inglis Clark as Attorney-General' in R. Ely (ed.), *A Living Force: Andrew Inglis Clark and The Ideal of Commonwealth*, (Hobart 2001) pp. 54-56.

overseers. Centralizing the police would save around £5000 a year, and provide a more efficient and effective force. Furthermore, control of police was an 'obstacle in the way of the development of local government of a higher form'.<sup>128</sup> Clark dismissed the idea that police centralization would 'strike a death blow' to municipal government. 'The idea', he went on, 'of electing seven men to look after a few policemen was absurd'.<sup>129</sup>

While the bill was supported by many in the chamber, there was considerable opposition. Some members complained that the bill had been introduced too late in the session for proper scrutiny; others wanted more clarification on what a 'higher form' of local government would entail.<sup>130</sup> Harry Conway, member for George Town, thought the 'present system worked well, and it was not politic to affect a change'.<sup>131</sup> David Scott, member for South Launceston, warned that police centralization would bring back the time when 'the police were a terror to the people'.<sup>132</sup> Finally, A. T. Pillinger, member for Oatlands, thought if police centralization occurred the 'municipal institutions of the colony would dwindle down to nothing'.<sup>133</sup> Clark again sought to refute this argument:

No-one who wished to really extend the principle of local government in this colony – to give local self-government in the fullest possible sense of the word – who desired to see local government consist of something better and higher than looking after four or five policemen, would oppose this bill....it was these considerations that had induced him to introduce this bill, as the first step towards extending the local government principle, by removing obstacles as the way to a better system.<sup>134</sup>

Clark's appeal fell on deaf ears, and the bill was shelved. The result was welcomed by the rural municipalities, who had passed resolutions condemning the measure.<sup>135</sup>

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<sup>128</sup> *Mercury*, 10 November 1887.

<sup>129</sup> *ibid.*

<sup>130</sup> *Mercury*, 19 November 1887.

<sup>131</sup> *ibid.*

<sup>132</sup> *ibid.*

<sup>133</sup> *ibid.*

<sup>134</sup> *ibid.*

<sup>135</sup> [Ross] *Mercury*, 21 November 1887; [Glamorgan] *Mercury*, 12 November 1887; [Longford] *Examiner*, 4 November 1887; [Evandale] *Examiner*, 9 November 1887; [Westbury] *DT*, 1 November 1887;

Councillor H. G. Rudd, of the Spring Bay Municipal Council, claimed the bill was ‘a side wind to do away with municipalities’.<sup>136</sup> His colleague, Samuel Salmon, agreed, believing ‘this bill would do away with the municipalities’.<sup>137</sup> The warden of the Municipality, Frederick Mace, complained ‘that if they took police and roads away there would be nothing for the council to do’.<sup>138</sup>

The *Examiner* applauded the defeat of the bill.<sup>139</sup> The paper had warned that if the bill was passed ‘municipal institutions will be on the wane in Tasmania. They will perform duties scarcely more onerous than those of road trusts, with the added supervision of the dog snaveller and the inspector of nuisances’.<sup>140</sup> Other newspapers that supported police centralization — the *Daily Telegraph*,<sup>141</sup> *North West Post*<sup>142</sup> and the *Devon Herald*<sup>143</sup> — expressed disappointment. The *Mercury*, supporting Clark’s argument, wrote ‘if our municipal bodies have, as we have seen stated, nothing better to do than look after one or two policemen, then all we can say is that the sooner they are abolished the better. But, in truth, the statement is all nonsense’.<sup>144</sup>

Undeterred, the Fysh government re-introduced the bill the following year. To complement the measure, a bill for major municipal reform was presented as well, designed to compel a new direction for municipal government in the colony. As the Treasurer B. S. Bird told the Assembly, ‘this bill provided for giving [municipal councils]

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[Deloraine] *Examiner*, 1 November; [Fingal] *Examiner*, 5 November 1887 ‘Centralization’ by S. H. Grueber.

<sup>136</sup> *Mercury*, 25 November 1887.

<sup>137</sup> *ibid.*

<sup>138</sup> *ibid.*

<sup>139</sup> *Examiner*, 9 November 1887, 18 November 1887.

<sup>140</sup> *Examiner*, 31 October 1887.

<sup>141</sup> *DT*, 1 November 1887.

<sup>142</sup> *NWP*, 18 October 1887, 3 November 1887, 12 November 1887.

<sup>143</sup> *Devon Herald*, 16 August 1887, 11 November 1887, 15 November 1887.

<sup>144</sup> *Mercury*, 11 November 1887; see also *Mercury*, 17 November 1887.

a status they had never had before, it gave them so much to do that they would find they had quite enough to do apart from the control of police'.<sup>145</sup> The bill proposed to divide the colony into thirty-six municipal districts, altering slightly the existing nineteen rural municipalities, and creating fourteen new districts in the non-municipal portion of the colony. This was to be mandatory, Clark telling the house 'it was considered that there were certain localities which might take on themselves very well the responsibilities of local government, although they might appear to be afraid of it, or seemed to be trying to shirk it'.<sup>146</sup> The bill was to give municipal councils power over public highways, streets, roads, bridges, culverts, wharves, jetties, water supply, fire-prevention, pest control, abattoirs and pounds, baths, recreation grounds, tree-planting and cemeteries. Clark even raised the possibility of charitable institutions, 'which councils might establish or aid, or to the relief they might give to the poor at their own houses'.<sup>147</sup>

While the bill was welcomed by the Spring Bay council<sup>148</sup> and the press,<sup>149</sup> it was vehemently opposed by other councils.<sup>150</sup> The Deloraine council thought the bill was 'unnecessary and premature'.<sup>151</sup> The Ross council called it 'too cumbersome', given that it contained over four hundred clauses.<sup>152</sup> The *North West Post* argued that many colonists in non-municipal districts would oppose its compulsory nature, pointing out the

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<sup>145</sup> *Mercury*, 11 July 1888.

<sup>146</sup> *Mercury*, 27 June 1888.

<sup>147</sup> *ibid.*

<sup>148</sup> *Mercury*, 22 September 1888.

<sup>149</sup> *DT*, 7 July 1888, 7 September 1888; *Examiner*, 5 April 1888, 7 June 1888; *Mercury*, 16 June 1888.

<sup>150</sup> 'Local Government Bill: petition from warden of Bothwell', *JPPP(Tas.)*, 1888-89, paper no. 107 p. 3; 'Local Government and Police Regulation Bills: petition', *ibid.*, 1888-89, paper no. 131; [Longford] *Examiner*, 6 July 1888; [Hamilton] *Mercury*, 9 July 1888; [Clarence] *Mercury*, 27 July 1888; [Westbury] *DT*, 6 July 1888; [Evandale] *DT*, 4 July 1888.

<sup>151</sup> *DT*, 28 June 1888.

<sup>152</sup> *Mercury*, 20 July 1888.

dangers of creating large municipal districts with ‘conflicting interests’.<sup>153</sup> Other members of the Assembly also had their disagreements with the bill. Chief among these was the lack of consultation with rural areas; the granting of municipal government to districts that may not be ready for it; that some powers should be left in the hands of existing local bodies; and, despite government protests to the contrary, that success of the bill was tied to the centralization of police.<sup>154</sup>

Progress was delayed while a select committee considered municipal boundaries, especially in non-municipal areas. It recommended that boundaries be fixed to secure an annual value of no less than £20,000 per annum, and that current road districts be transformed into *de-facto* wards in the new municipalities for the purposes of allocating road funds.<sup>155</sup> Of the nineteen rural municipalities, six had annual values below the recommended level and three had annual values below £10,000.<sup>156</sup> As an indication of how sensitive local bodies were to the alteration of their boundaries, when asked whether alterations in boundaries were needed in their district, eleven rural municipalities and a hundred road trusts replied no.<sup>157</sup>

In the meantime, the bill for centralizing police was considered. Following protests from some municipalities,<sup>158</sup> Clark repeated the reasons for centralization. He stressed that it was only proper for police to be under the control of the executive, and the benefits for local government that would result.<sup>159</sup> Again the bill met opposition. John Lyne,

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<sup>153</sup> *NWP*, 19 July 1888; see also meeting held against bill at Port Cygnet *Mercury*, 28 June 1888, 6 July 1888.

<sup>154</sup> *Mercury*, 11 July 1888.

<sup>155</sup> ‘Division of Municipal Districts: report of select committee’, *JPPP(Tas.)*, 1888-89, paper no. 129 p. 4.

<sup>156</sup> *Statistics of Tasmania*, 1888-9, p. 271.

<sup>157</sup> *ibid.*, p. 5.

<sup>158</sup> *Examiner*, 26 July 1888 ‘Centralization of Police and Local Government Bills’ by Daniel Burke; *The Colonist*, 7 July 1888.

<sup>159</sup> *Mercury*, 19 July 1888.

member for Glamorgan, and a former warden of the Glamorgan council, stated that the ‘municipalities would fall to next but nothing if they took the police management away from them’.<sup>160</sup> Only on the speaker’s vote did the bill survive its first reading.<sup>161</sup>

However, given the antagonism towards it, the government seemed to have withdrawn the bill shortly afterwards. This action was soon extended to the local government bill. The government was unable to reach a satisfactory agreement with the rest of the house, despite considerable argument and modifications on the bill during the committee stage. With its plans for police centralization frustrated, the government decided to cut its losses and discharged the bill before its third reading in October.<sup>162</sup> The *Daily Telegraph* lamented that so long as

Our municipal bodies cling fatuously to the petty brief authority of police control, and remain satisfied with the management of some half-dozen constables, then local government must remain impotent and practically valueless. It is to the broader and higher duties of social reform that municipal councils should aim their attention – to sanitation, water supply and education especially – these providing functions sufficient to demand the full attention of local bodies.<sup>163</sup>

Nevertheless, centralizing the police was not the only strategy the Fysh government had to reinvigorate local government in the colony. As was shown in chapter three, with regard to rural municipalities, and chapter four, with regard to road trusts, another principle the government promoted was greater financial responsibility for local bodies. The idea was that local bodies would be more effective, efficient and responsive to ratepayers if they dealt primarily with money they raised themselves, rather than with money granted by the government. Therefore, the Fysh ministry started the process

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<sup>160</sup> *ibid.*

<sup>161</sup> *ibid.*

<sup>162</sup> *Mercury*, 18 October 1888.

<sup>163</sup> *DT*, 14 September 1888.

whereby grants-in-aid were reduced, and made subject to local bodies meeting certain guidelines.

The first move in this direction occurred in 1889, when the government announced that grants-in-aid for police purposes given annually to rural municipalities would be reduced from that year.<sup>164</sup> Smaller and poorer municipal councils who heavily relied on these funds were aghast, and saw the move as government retribution for their opposition to police centralization.<sup>165</sup> In response, councils reduced police spending and dismissed constables, while they angrily protested to the government for a reversal of the decision.<sup>166</sup>

In this climate the government reintroduced bills for police centralization and local government reform in the middle of 1889, provoking more opposition from councils.<sup>167</sup> John Millar, of the Westbury council, was convinced that centralization of police would spell the end of municipal government. 'If the council was not fit to control the police, then it was equally unfit for other duties' he told the rest of his colleagues.<sup>168</sup> The local government bill was equally unpopular, although the government hinted it was prepared to be more flexible in its insistence on immediate comprehensive municipal government throughout the colony.<sup>169</sup> Still, meetings were held in non-municipal districts complaining that colonists would be compelled against their will to create

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<sup>164</sup> Chief Secretary to Warden of Bothwell Municipal Council, 13 August 1889, *AOT*, Bothwell Municipal Council: Miscellaneous Inward Correspondence 1881-1896 (Ref: MCC 2/1).

<sup>165</sup> *Mercury*, 23 January 1889, 29 January 1889.

<sup>166</sup> *Mercury*, 16 February 1889; *DT*, 15 February 1889.

<sup>167</sup> 'Local Government and Police Regulation Bill: petition against', *JPPP(Tas.)*, 1889, paper no.101; 'Local Government and Police Regulation Bill bills: petition', *ibid.*, paper no. 115; *Examiner*, 30 August 1889; *The Colonist*, 7 September 1889, 14 September 1889.

<sup>168</sup> *DT*, 27 August 1889.

<sup>169</sup> *Examiner*, 3 August 1889.

municipalities,<sup>170</sup> while the nineteen rural municipal councils argued against a permissive bill. They wanted municipalities established throughout the colony, only with control of police, therefore replacing the dual system with a scheme of uniform local control.<sup>171</sup> Given such strident opposition, both bills were allowed to lapse before they got to a second reading.<sup>172</sup>

Whether or not the reduction in aid was a ploy to force the councils' hand in the police issue, it soon had a detrimental effect on municipal finances. In 1890 two councils, Glenorchy and New Norfolk, indicated that they were considering handing over control of their police to the government.<sup>173</sup> The government quickly included provisions enabling the action in its amendment to the *Police Regulation Act*.<sup>174</sup> But the clauses were struck out by the rest of Assembly, seeing it as an attempt to introduce police centralization by stealth.<sup>175</sup> Consequently, the Fysh government introduced another bill for police centralization in the next session of parliament in 1891.

Clark now told the Assembly the police 'were the arm of the executive for the protection of property and the execution of laws, and that duty should be carried out by servants directly responsible to the executive'.<sup>176</sup> He acknowledged a significant objection to centralization was that it would leave councils with 'nothing to do', a claim he thought had been refuted by the government's attempt to pass a new rural

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<sup>170</sup> *DT*, 5 September 1889, 26 September 1889.

<sup>171</sup> *DT*, 28 August 1889, 27 August 1889; *Examiner*, 5 September 1889, 6 September 1889; *Mercury*, 5 September 1889, 16 September 1889.

<sup>172</sup> *Mercury*, 5 August 1889.

<sup>173</sup> *DT*, 30 June 1890, 25 September 1890.

<sup>174</sup> *Mercury*, 8 October 1890.

<sup>175</sup> *ibid.*

<sup>176</sup> *Mercury*, 24 September 1891.



municipalities bill.<sup>177</sup> Despite considerable debate, especially over whether Launceston and Hobart should be included in the measure, the bill was passed by the Assembly.

Before the bill was considered by the Legislative Council, municipal councils were stirred into action. Despite support from the Glamorgan council,<sup>178</sup> a conference of wardens from mostly northern rural municipalities condemned the proposal. Daniel Burke, warden for Westbury, thought the bill was a 'slur on the municipalities, as it reflected on their management, and if it was passed it would be a great injustice'.<sup>179</sup> Other wardens argued that the municipal system was cheaper than the centralized territorial police, and that centralization would result in increased taxation and threaten the liberties of all settlers.<sup>180</sup> A petition sent to the Legislative Council reiterated the close link between police and municipal government. It stressed that 'when the ratepayers of the several municipalities throughout the colony undertook municipal government it was upon the clear and distinct understanding that they were to have the control and management of the police within their municipalities'.<sup>181</sup> To withdraw control of police from municipal councils 'would be a direct violation of the principle upon which local government was established, and calculated to weaken and destroy its influence and the self reliance of the people'.<sup>182</sup>

In the Legislative Council, Fysh argued that centralization would leave municipal councils with more money 'for sanitary and other purposes'.<sup>183</sup> However, other members

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<sup>177</sup> *ibid.*

<sup>178</sup> *Mercury*, 7 October 1891.

<sup>179</sup> *ibid.*

<sup>180</sup> *Examiner*, 8 October 1891.

<sup>181</sup> 'Police Regulation Bill, 1891: petitions', *JPPP(Tas.)*, 1891, paper no. 153 p. 3.

<sup>182</sup> *ibid.*

<sup>183</sup> *Mercury*, 4 November 1891.

were unimpressed with the bill, believing the present system worked fine and that there was no need for change. The bill was subsequently thrown out.<sup>184</sup>

This scuttled progress on another local government bill put by the government to the House in August. A conference of wardens was held in Hobart to protest, the meeting passing a motion that the bill 'embraces too wide a range, would place too much work upon the municipal councils, and is not suited to their requirements'.<sup>185</sup> When it was first debated by the Assembly, the government was persuaded to postpone the bill until the police bill was resolved. When that bill was defeated the local government bill was subsequently laid aside.<sup>186</sup>

So ended the Fysh ministry's attempts to place control of police under one central authority and facilitate major municipal reform. As was shown in the previous section, the Fysh government was an enthusiastic supporter of decentralization. In its time in office it had created fruit boards and rabbit trusts, and encouraged the formation of more town boards. It also promoted the idea of greater financial responsibility by local bodies. So why did it favour centralization in regard to police? Far from being a part of a wider trend towards centralization in the period,<sup>187</sup> the measure was a means whereby the government would centralize one aspect of the State, commonly recognized as a primary responsibility of the executive, in order to facilitate greater decentralization elsewhere. As Clark pointed out in his defence of the bills, relieving councils of the financial burden of police would enable them more actively to pursue tasks laid out by the government, and increasingly demanded by local ratepayers, from the mid-1880s. The benefit to the

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<sup>184</sup> *ibid.*

<sup>185</sup> *Mercury*, 12 August 1891.

<sup>186</sup> *Mercury*, 18 September 1891.

<sup>187</sup> Petrow, *Economy, Efficiency and Impartiality*, p. 243.

government was that the cost of supporting police would hopefully be offset by savings made as municipal councils became responsible for public works.

The municipal councils, for their part, viewed this argument with some skepticism. They still maintained that there was a close link between municipal government and control of police, and to remove the latter spelt the end of the former. Despite Clark's attempts to coax them into a 'higher form' of local government, undertaking public works and supervising education, the majority of councils by the end of the 1880s still held that they would have little to do if police were taken from them. While the Fysh ministry had failed to shift the emphasis of municipal councils from police to public works, it had, wittingly or unwittingly, planted the seed for police centralization. The reduction in grants-in-aid, coupled with the 1890s recession, would put a squeeze on municipal finances, a significant portion of which was police expenditure.

### *The 1890s*

The Fysh government was replaced by a ministry headed by Henry Dobson in August 1892. The new government also favoured police centralization and advanced a bill to that effect in September 1893. Excluding Hobart and Launceston, the bill proposed levying a 9d police rate to pay for the new centralized force. The measure was well received by the Assembly. Some members, however, advocated that the entire cost of police be borne by the general revenue instead of a tax on landholders. Others argued

that municipal police carried out police work for less than the proposed 9d rate, mocking the claim that centralization would be cheaper.<sup>188</sup>

The latter argument was repeated by a majority of the rural municipalities, which insisted police centralization would result in an increase of taxes for rural residents.<sup>189</sup> Again councils suggested the harm to local government that police centralization would cause. J. L. Smith, of the Evandale Council, stated 'if the bill at present before parliament were passed into law, they had better do away with local government altogether, and centralize everything'.<sup>190</sup> His colleague James Cox agreed, saying that 'if municipalities were left without the control of their police they would be in the position of a lot of lame ducks'.<sup>191</sup> Expressing a similar sentiment, W. C. Simmons, the warden of the Richmond Municipal Council, declared that 'if the police were centralized, he would propose handing over the whole of the district to the government'.<sup>192</sup>

Anxious to avoid over-emphasizing the claim they would have nothing to do if police were taken from them, a position increasingly tenuous given the responsibilities handed to municipalities in the mid-1880s, councils put forward a new argument. Even if the police were centralized, municipal councils would still have to levy a municipal rate to pay for the salaries of the warden and council clerk as well as fulfilling public works and other duties. But if a 9d police rate was imposed on rural residents, they would subsequently pressure councils to keep their rates as low as possible, impoverishing and hindering their work. As a petition from the Westbury Municipal Council to the

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<sup>188</sup> *Mercury*, 8 September 1893.

<sup>189</sup> See 'The Police Regulation Act 1893: petitions against', *JPPP(Tas.)*, 1893, paper no. 89; 'Police Regulation Bill, 1893: petitions against', *ibid.*, paper no. 91; 'Police Regulation Bill 1893: petition', *ibid.*, paper no. 100.

<sup>190</sup> *Examiner*, 5 September 1893.

<sup>191</sup> *ibid.*

<sup>192</sup> *Mercury*, 25 September 1893.

Legislative Council put it, 'the levying of a rate of ninepence in the pound upon this municipality for the maintenance of police will be so great a drain upon the ratepayers thereof that legislation by the local authority will be impracticable by reason of such excessive taxation'.<sup>193</sup>

Introducing the bill to the Legislative Council, the Chief Secretary Adye Douglas opined 'that the objection to the bill appeared to be principally one of money'.<sup>194</sup> He admitted that many of the rural municipalities operated their police at below a 9d rate, undermining some of their arguments in favour of the proposal. He emphasized the overall economy and efficiency that would come from a centralized force. Most of his colleagues were deaf to his plea, their opposition based on the economy of the municipal force and the fact that Hobart and Launceston were not included in the bill. The bill defeated by nine votes to five.<sup>195</sup>

The Dobson government lost power in early 1894, and was replaced by a ministry headed by Edward Braddon, with A. I. Clark returning as Attorney-General. The colony was at this time in the midst of a recession, postponing the introduction of another police centralization bill. By the mid-1890s the Braddon government faced a dilemma. There was a general feeling that municipal government should be given more responsibility, put in charge of local public works and pest control, even the maintenance of local roads. However, before this could be done, municipal government had to be spread to the rest of the colony. The problem was that many districts had declined to form rural municipalities, preferring instead bodies such as Town Boards, which gave them the opportunity of completing certain public works without the financial and administrative

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<sup>193</sup> The Police Regulation Act 1893: petitions against', *JPPP(Tas.)*, 1893, paper no. 89 p. 3.

<sup>194</sup> *Mercury*, 14 October 1893.

<sup>195</sup> *ibid.*

burden of maintaining police. Indeed, it was widely believed that control of police was the major reason why inhabitants in non-municipal districts had not adopted municipal government. Centralizing the police, therefore, was a vital step towards comprehensive municipal reform.

Persuading the nineteen rural municipalities to give up control of police had proven to be a difficult exercise. Yet an opening presented itself to appeal to the economic interests of the municipal councils. The recession of the early 1890s, coupled with the loss of grants-in-aid money from the government, had squeezed municipal finances, especially those of small and poor municipalities. Councils had responded to the recession by making further cuts in police expenditure, reducing the effectiveness of their forces, and weakening their position that local control provided an adequate police service for local inhabitants. Furthermore, a slim majority of councils had begun to carry out various public works and services, an additional burden on top of police expenditure that usually comprised 65 to 75% of total expenditure in most municipalities. In a period of declining annual values and rate revenue, casting off the burden of police began to look attractive to some municipalities. Indeed, some smaller and poorer councils, such as Glamorgan and Green Ponds, had declared their support for the 1893 attempt to centralize police.<sup>196</sup>

By 1896 A. I. Clark recognized that the proposed 9d rate to be levied once police were centralized was a significant obstacle to the success of reform.<sup>197</sup> Firstly, landowners would be reluctant to pay it in a time of economic downturn. Secondly, councils based their opposition to reform on the grounds that they operated police at a cost lower than 9d. Thirdly, many members in parliament were against police centralization being

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<sup>196</sup> *Mercury*, 5 October 1893, 13 October 1893.

<sup>197</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 258.

funded by a rate on property-owners of the colony. He therefore warmly welcomed a motion put to the House of Assembly by E. T. Miles in July 1896 calling for the cost of police after centralization to be charged upon the general revenue. The motion was carried.<sup>198</sup>

However, when a new police centralization bill was finally put to parliament two years later, the Braddon government ignored the resolution. Instead of the 9d rate proposed by previous legislation, the government proposed a 4d rate. It was a politically astute move. A rate of 4d was lower than the current police rate levied by all but three of the rural municipalities,<sup>199</sup> undermining their case that they could manage police more economically than the government. The argument that police centralization would impoverish municipal councils, because ratepayers would be unwilling to incur more local taxation, was also weakened. A 4d rate left plenty of scope for councils to rate themselves well enough to pay for public works. It was also likely to reduce the anxiety of those inhabitants in non-municipal districts who were reluctant to adopt municipal government. Not only would they be spared the financial and administrative burden of police, but it presented the opportunity of establishing rural municipalities at a substantially reduced cost than in the past.

Sure enough, the reduction in the proposed rate weakened the resistance of the municipal councils. Smaller and poorer municipalities struggling to raise enough revenue to cover police expenditure, such as Glenorchy and Sorell, came out in favour of centralization.<sup>200</sup> The proposal also garnered significant support in some of the larger

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<sup>198</sup> *Mercury*, 1 August 1896.

<sup>199</sup> Petrow, 'Economy, Efficiency and Impartiality', p. 259.

<sup>200</sup> *Mercury*, 1 March 1898, 6 February 1898.

councils that had more trenchantly opposed reform in the past.<sup>201</sup> A conference opposing the bill saw only eight wardens attend. It resolved that 'to withdraw control and management of the police now from municipalities would be a breach and violation of the principles upon which local government was established in Tasmania, and calculated to weaken and impair its influence and the self-reliance of the people'.<sup>202</sup> The *Daily Telegraph* noted that a feeling of resignation rather than resistance hung over the meeting.<sup>203</sup>

With increasing municipal support, the only significant obstacle left in the path of reform was those who wanted the whole cost of police borne by the general revenue of the colony. There was little opposition to the Braddon government's bill formally abolishing the dual system and establishing a central authority to control all police. Henry Dobson, member for Brighton, proclaimed that the bill would not 'kill local government' as had been claimed by some councils, but release it to take 'control of the roads, public works, health and sanitary matters and so on...work which the municipalities were far more fitted to perform than to control the police'.<sup>204</sup> Similarly, F. W. Piesse, member for Buckingham, told the Legislative Council that municipalities 'would find there was plenty left for them to do such as water supply, health and sanitary matters'.<sup>205</sup> The measure passed after some amendments, becoming the *Police Regulation Act 1898*.

A supplementary bill enshrining the 4d police rate to maintain the new force had a more troubled path. Taxing landowners for police purposes was opposed by some

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<sup>201</sup> *Mercury*, 19 February 1898, 8 March 1898; *Examiner*, 8 February 1898.

<sup>202</sup> *Examiner*, 24 March 1898.

<sup>203</sup> *DT*, 24 March 1898.

<sup>204</sup> *Mercury*, 16 June 1898.

<sup>205</sup> *Mercury*, 23 July 1898.



members, who argued that since the government had repudiated the idea of property-owners managing the police, they should be relieved of paying for them. The cost should come from the general revenue.<sup>206</sup> Proponents for the 4d held firm on the desirability of taxing landowners for police purposes, at least until the colony's finances improved. So began a series of negotiations on how long the 4d rate would be levied before the total cost of police would be borne by the general revenue. Eventually, a compromise was reached whereby the rate would be levied for two years then abolished.<sup>207</sup> The bill was passed as the *Police Rate Act* 1898.

With control of police finally in the hands of the government, comprehensive municipal reform was given greater impetus. In August 1898 the government introduced a bill similar to those of the Fysh government. It proposed sixteen new municipalities alongside the existing nineteen, each to comprise nine members. A ward system for electing members and allocating funds was also mooted.<sup>208</sup> Residents in non-municipal districts would not be compelled to take municipal action, although the procedure for forming new municipalities was relaxed. The government was also undecided whether to include town boards in the bill or let them continue their existence outside the municipal system.<sup>209</sup>

The bill was cautiously welcomed by some councils,<sup>210</sup> but was criticized as being completely inadequate by some Assembly members. There was a feeling that, with Federation looming, it was an opportune time for an overhaul of local government. A

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<sup>206</sup> *Mercury*, 29 July 1898, 24 August 1898.

<sup>207</sup> See Petrow, 'Economy, Efficiency and Impartiality', pp. 259-60.

<sup>208</sup> *NWP*, 9 August 1898.

<sup>209</sup> *Mercury*, 16 August 1898.

<sup>210</sup> [Ross] *Mercury*, 27 August 1898; [Glenorchy] *Mercury*, 6 September 1898; [Glamorgan] *Mercury*, 13 September 1898; [Bothwell] *Mercury*, 7 September 1898; [Sorell] *Mercury*, 30 August 1898.

joint select committee was appointed.<sup>211</sup> The committee produced a progress report in October, making seven recommendations:

1. That parliament constitutes certain municipalities in addition to those already constituted.
2. That some of the existing municipalities may be amalgamated.
3. That municipalities be divided into ridings.
4. That the municipal boundaries to be defined by the bill match wherever possible with electoral boundaries.
5. That, generally, no new municipality be constituted with a less annual rateable value than £10,000.
6. That, in constituting a new municipality or amalgamating existing municipalities, the main consideration in determining an area be the common interests of the people.
7. That municipalities be divided into Town Boards and Rural District Boards, each exercising the general functions of the municipality in their respective areas; with existing Town Boards to be excluded unless they express desire to become part of a municipality.<sup>212</sup>

The committee was granted further time to produce a more detailed proposal of local government. Between May to August 1899 it studied systems of local government in South Australia, New Zealand, Queensland, England and Canada. The committee found that ‘some modification of the English and Canadian system will meet the municipal conditions proposed for Tasmania’.<sup>213</sup> This would provide for ‘a moderate exercise of power by small communities as to their local concerns’, while incorporating them into larger municipalities that would have charge of ‘those interests which are common to wide areas’.<sup>214</sup> The committee proposed to integrate elements of the English parish with the Incorporated Village and Townships Municipalities found in Canada.<sup>215</sup>

A bill for these purposes was drafted by the chairman of the select committee F. W. Piesse. It became known as the Piesse bill. Quite large, containing over 620 clauses, the bill proposed to divide the colony into eleven shires,<sup>216</sup> each governed by a council of

<sup>211</sup> *Mercury*, 18 August 1898, 19 August 1898.

<sup>212</sup> ‘Local Government Bill, 1898 (no. 85): progress report of joint committee’, *JPPP(Tas.)*, 1898, paper no. 72 pp. 3-4.

<sup>213</sup> ‘Local Government Bill: report of joint committee’, *JPPP(Tas.)*, 1899, paper no. 58, Appendix A, p. iii.

<sup>214</sup> *ibid.*

<sup>215</sup> *ibid.*, p. iv.

<sup>216</sup> *North West Advocate* (NWA), 18 August 1900.

between ten to twenty members. Half would be elected from wards, the other half from the whole shire. Each member would serve a two year term. Shire councils would control roads, public works, water supply, lighting, sanitation, tramways, pest control, public recreation reserves and facilities and, possibly, ports. Every shire would be divided into town and rural districts, each governed by a board of five to nine members. These members could either be elected by ratepayers or be *ex-officio* members of the shire council. Town and rural boards could exercise all the powers available to the shire council within their respective jurisdictions, and their actions would be supervised by their shire council. The bill also allowed for local committees to be appointed by the shire council to oversee works in particular towns or rural settlements.<sup>217</sup>

The measure appeared to be a radical reform. However, as the *Examiner* noted, existing local bodies were in fact simply given new names under a new over-arching arrangement of local government.<sup>218</sup> It was expected that existing town boards could or would become town districts under the new Act, while existing road districts would be incorporated into rural districts in the new shires. A commission was recommended to draw up the boundaries of the shires and propose initial boundaries for town and rural districts.<sup>219</sup>

Presenting the bill to parliament in early September 1899, Piesse spoke of local government as being the 'foundation, and, indeed, the only sure foundation, which the English-speaking people of the world have discovered for the preservation of the national life they have enjoyed'.<sup>220</sup> He claimed that the bill would reduce by about a half the

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<sup>217</sup> *Examiner*, 7 September 1899.

<sup>218</sup> *Examiner*, 11 September 1899.

<sup>219</sup> *Examiner*, 7 September 1899.

<sup>220</sup> *Mercury*, 7 September 1899.

number of existing local bodies in the colony, and result in far fewer men being required to carry out local government. The bill tried to fulfil two objectives. The first was to encourage greater co-operation between local units. Provision was made for different shire councils to co-operate in matters of common concern, as well as promoting the shared interests of town and rural areas often not fostered by the existing system. The second objective was to create an arrangement flexible enough to deal with the localism so prevalent in the colony, but ensure at the same time that local bodies were large enough to be able to finance works and services of importance. This, Piesse felt, was accomplished by the mixture of shires and town and rural boards. Concluding his speech, he told parliament 'the principle sought to be embodied is that of allowing individual freedom to the fullest practicable extent, yet claiming from the individual communities and the people composing them that they should bear their share in the responsibilities of the shire of which they form a part'.<sup>221</sup>

While Piesse was applauded for his efforts by the members of parliament, most were overwhelmed by the size of the bill. William Dodery, member for Longford, thought it 'too large and attempted too much'.<sup>222</sup> Other members, including the Chief Secretary William Moore, worried that the bill would be difficult to apply to all parts of the colony.<sup>223</sup> Debate was suspended to allow public scrutiny and comment.

The press reaction to the bill was mixed.<sup>224</sup> The *Advocate* called it 'the most serious, the most comprehensive, and the most scientific attempt that has yet been made to gather up the loose threads of local government systems and weave them into a compact

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<sup>221</sup> *ibid.*

<sup>222</sup> *Examiner*, 7 September 1899.

<sup>223</sup> *Mercury*, 7 September 1899.

<sup>224</sup> See *Examiner*, 11 September 1899.

whole'.<sup>225</sup> It did think, however, the bill 'cumbersome and likely to be more expensive than the system which it proposes to supplant'.<sup>226</sup> The *Daily Telegraph* described the bill as 'one of the greatest reforms ever attempted in connection with local government in the colony'.<sup>227</sup> The *Mercury* was more circumspect, noting 'it is very useful as a rule to consolidate the law, but even this work may be carried too far, and a bulky Act be much more difficult and bewildering to deal with than several smaller ones'.<sup>228</sup> The *Emu Bay Times* thought it was 'unwieldy'.<sup>229</sup>

Local bodies were wary. A conference of road trusts and fruit boards of the Huonville region passed a resolution that the bill 'as presently drafted is not a measure likely to operate beneficially to the ratepayers of the Huon and Channel districts'.<sup>230</sup> Similar resolutions were passed by meetings held at Port Cygnet<sup>231</sup> and Franklin.<sup>232</sup> Municipal councils too were unfavourable. The Richmond Municipal Council thought it 'a very cumbersome bill, and in its present shape hardly likely to work with advantage'.<sup>233</sup> The Westbury Municipal Council claimed it was 'very complicated in its present form'.<sup>234</sup> The Clarence Municipal Council 'did not think it workable'.<sup>235</sup> Meetings also disapproving of the bill were held at New Norfolk,<sup>236</sup> Wynyard<sup>237</sup> and Bellerive.<sup>238</sup>

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<sup>225</sup> NWA, 19 September 1899.

<sup>226</sup> NWA, 22 September 1899.

<sup>227</sup> DT, 17 September 1900.

<sup>228</sup> *Mercury*, 7 September 1899.

<sup>229</sup> *Emu Bay Times*, 9 September 1899.

<sup>230</sup> *Mercury*, 17 July 1900.

<sup>231</sup> *Mercury*, 14 August 1900.

<sup>232</sup> *Mercury*, 22 August 1900.

<sup>233</sup> *Mercury*, 13 September 1899.

<sup>234</sup> DT, 4 November 1898.

<sup>235</sup> *Mercury*, 9 October 1899.

<sup>236</sup> *Mercury*, 25 August 1900.

<sup>237</sup> *Mercury*, 19 September 1900.

<sup>238</sup> *Mercury*, 11 September 1900.

Piesse toured the colony spruiking the benefits of the bill, addressing meetings for instance at Ulverstone,<sup>239</sup> Latrobe,<sup>240</sup> Longford<sup>241</sup> and Launceston.<sup>242</sup> Despite his efforts, the *Mercury* reported that ‘the new system is not understood by the people. We have tried several times to figure out exactly how affairs will stand under the new scheme, but we have never been able to reach a quite satisfactory conclusion’.<sup>243</sup> Three objections to the bill were put forward — that it was too long, too complicated, and that the shire system would not work in Tasmania.<sup>244</sup> Piesse did not help matters by stating that no district would be compelled to adopt the new system, leaving open the possibility that all the local bodies of the old system might co-exist in some districts with bodies of the new system.<sup>245</sup>

The Braddon government fell in October 1899, and was replaced by a ministry headed by N. E. Lewis. The new Premier soon announced his desire for local government reform. He told a meeting in Richmond in early 1900 that ‘local authorities have grown up to an embarrassing extent’ in the colony, and were becoming ‘chaotic’.<sup>246</sup> But he admitted that the size of the Piesse bill ‘has rather frightened some people’, and, in order to improve its chance of success, it had been decided to break the measure into smaller bills to submit to parliament.<sup>247</sup> Against the wishes of Piesse, nine separate local government bills were introduced to the Assembly in September 1900. Only two — concerning tramways and vehicles — got to a second reading, and, with parliament

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<sup>239</sup> *NWA*, 2 April 1900.

<sup>240</sup> *NWP*, 5 April 1900.

<sup>241</sup> *DT*, 3 July 1900.

<sup>242</sup> *DT*, 4 July 1900.

<sup>243</sup> *Mercury*, 25 September 1900.

<sup>244</sup> *Examiner*, 25 August 1900.

<sup>245</sup> *NWA*, 21 September 1899.

<sup>246</sup> *DT*, 5 February 1900.

<sup>247</sup> *ibid.*

against the proposed scheme, all bills were discharged later that month.<sup>248</sup> Piesse was disappointed that the enormous time and effort he had put into the bill had come to nothing. Nevertheless, he told parliament that:

there was nothing more wanted, and nothing better worth the doing, than to put our local institutions in the way of becoming more suited to our growing needs; more ready for the changes that are surely looming in our immediate future; and more conformable to the form such institutions have taken where the best and widest experience of our race has longest been engaged in fashioning organization fitted for the task of local government.<sup>249</sup>

Therefore, by 1900, of the two substantial obstacles that stood in the way of comprehensive municipal reform, one had been overcome. After some half a dozen attempts over three decades by various governments to wrest control of police from municipal councils, the Braddon government finally succeeded in centralizing the police in 1898. Centralization had been thwarted for a long time by stubborn opposition from the nineteen rural municipalities, who stressed the close link between control of police and municipal government. Indeed, of the two roles allocated to them by the *Rural Municipalities Act* 1865 — police and public works — councils had initially wholly embraced the former to the neglect of the latter. They argued during the 1860s and 1870s that to take away the responsibility for maintaining police would leave them with little to do, effectively spelling the end of local government in the colony.

Several ministries attempted to undermine this argument during the 1880s. Legislation was passed forcing municipalities to pay more attention to public works, and bills granting extensive powers and responsibilities, suggesting in Clark's words a 'higher form' of local government for the colony, were unsuccessfully submitted to parliament. In the end it was economic self-interest, rather than idealism, that proved crucial to

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<sup>248</sup> *Mercury*, 26 September 1900.

<sup>249</sup> *Mercury*, 3 October 1900.

persuading municipalities to relinquish control of police. The recession of the early 1890s, coupled with reduction in grants-in-aid, put the squeeze on municipal finances. Many of the smaller and poorer rural municipalities consequently looked to jettison the considerable financial burden of police. The Braddon government seized this opportunity and, through astute political manoeuvring, steered through parliament a successful bill of police reform. Centralization of police was important for comprehensive municipal reform. It removed a significant objection that many in non-municipal districts had towards municipal government, namely maintaining a costly police force from local taxes. This then improved the chances of a bill for major local government reform being carried by parliament.

Drafting a bill acceptable to the people, existing local bodies and parliament was the second substantial obstacle to comprehensive municipal reform. By 1900 it remained unsolved. Numerous bills for comprehensive municipal reform had been introduced and had failed. There were issues over whether inhabitants in non-municipal areas should be compelled to adopt municipal government, or be allowed to request it. There was also the question of whether certain local bodies, such as town boards, should be included or excluded in municipal reform. The opposition to the Piesse bill had demonstrated that Tasmanians wanted a simple and easily understood bill of reform.

Most importantly, the government's insistence that large districts would be the result of local government reform was unpopular with local bodies and the broader population. As a consequence of the localism so prevalent in rural Tasmania during the colonial period, settlers wanted local bodies to be relatively small in size and boundaries to



correspond with local 'community of interests'.<sup>250</sup> This was due to a fear that in larger units, settlers in outlying areas or less populous parts would be neglected by their local representatives. The attempt by the Piesse bill to assuage these fears by a combination of town and rural boards within larger municipalities had failed. If comprehensive municipal reform was to succeed, not only would the unresolved issues concerning the extension of municipal government have to be overcome, but a satisfactory solution to the problem of local government boundaries would need to be found.

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<sup>250</sup> See Rootes, 'Local Government Reform in Tasmania', Chp 1.

## Chapter Eight: A New Era: The Local Government Act 1906

The last chapter argued that there were two obstacles to comprehensive municipal government in the latter-half of the nineteenth century in Tasmania — municipal control of police and an anxiety over municipal boundaries that made settlers reticent to form large municipal districts. These obstacles thwarted the attempts of several ministries to pass a local government reform bill acceptable to the people, existing local bodies and parliament. The chapter noted how the centralization of police in 1898 removed the first obstacle, yet by 1900 the problem of local government boundaries remained unsolved.

Settlers in outlying and sparsely-settled areas, particularly in non-municipal districts, were opposed to the large municipal districts put forward in the numerous bills for local government reform. This stemmed from a fear that they would be neglected or exploited by other more-populated parts of the municipality. The purpose, therefore, of this chapter is to outline how this last obstacle was overcome after 1900, resulting in the *Local Government Act* 1906. This Act, introducing comprehensive municipal government into Tasmania from 1908, was heralded by the *Examiner* as ‘a new era in the rural history of the island’.<sup>1</sup>

Several political scientists and historians have commented on the *Local Government Act* 1906, the foundation of modern Tasmanian local government.<sup>2</sup> Some just stated its most important provisions,<sup>3</sup> while others have gone into more detail. Wettenhall, for

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<sup>1</sup> *Examiner*, 23 November 1907.

<sup>2</sup> L. L. Robson, *A History of Tasmania*, (Melbourne 1983) Vol. II p309-10; W. A. Townsley, *Tasmania: from colony to statehood 1803-1945*, (Hobart 1991) p. 247.

<sup>3</sup> See K. R. Von Stieglitz, *A History of Local Government in Tasmania : from the earliest settlement of Van Diemen's Land to the present time*, (Hobart 1958) pp. 107-8; R. L. Wettenhall, *A Guide to Tasmanian*

instance, notes that local government reform occurred in a period of wider administrative reforms. The most important change was of course Federation, creating a new sphere of government, and requiring a re-organization of existing government departments.<sup>4</sup> At the same time an 'interest in the ethic of efficiency was moving rapidly', with its emphasis on rationalization and improving the outcomes of government services.<sup>5</sup> The permissive system of local government, with its numerous *ad-hoc* local authorities performing different tasks in similar territory, was not immune to the desire for a simpler, more efficient and effective form of government. Therefore, Wettenhall sees the 1906 Act as a result of reformers wanting 'tidier administration and fewer demands on the central treasury'.<sup>6</sup>

Ralph Chapman observed that the shape of local government in Tasmania after the 1906 Act 'altered radically in the space of three years from the chaos of fragmentation in multiple boards, trusts and councils with their overlapping areas and statutory authorities to a limited number of multi-purpose local authorities operating almost wholly within the statutory authority of the *Local Government Act* and covering the whole of the State'.<sup>7</sup> He comments little on the background to the Act, only claiming that there was a lack of enthusiasm in non-municipal districts towards the measure. He suggested that these districts 'eventually had to have local government forced' upon them.<sup>8</sup>

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*Government Administration*, (Hobart 1968) pp. 314-6; F. E. R. Gilbert, 'The Transition and Transformation of Local Government in Tasmania', (Dip. Public Admin, Thesis, University of Tasmania, 1959) Chp 2.

<sup>4</sup> R. L. Wettenhall, 'Towards a Reinterpretation of Tasmania's Local Government History', *Journal of the Royal Australian Historical Society*, 67(2), 1981-82, p.113.

<sup>5</sup> *ibid.*, p. 114.

<sup>6</sup> *ibid.*

<sup>7</sup> R. Chapman, 'Tasmania', in J. Power, R. L. Wettenhall, and J. Halligan, *Local Government Systems of Australia*, (Canberra 1981) p. 716.

<sup>8</sup> *ibid.*, p. 718.

Grant Rootes rejected this claim. He argued that far from being opposed to local government reform, residents in non-municipal districts were anxious about the consequences of reform for their local areas.<sup>9</sup> Rootes pointed to the localism existing in the State that led residents to want boundaries of local bodies to coincide with local 'community of interest'. The fear was that in larger municipal districts there would be multiple conflicting interests that would lead to continuous disputes and hamper municipal business.<sup>10</sup> Although reformers sought to ensure that the community of interest principle would be protected under the new arrangement, there was still considerable apprehension in non-municipal districts concerning the implementation of the *Local Government Act*.<sup>11</sup>

The most thorough account of the deliberations in relation to the Act are found in a thesis by Gabriel William.<sup>12</sup> He notes the two conferences held in 1904 and their importance for reform,<sup>13</sup> provides an overview of the parliamentary debates and the major points of contention between the Legislative Council and the House of Assembly,<sup>14</sup> and looks at the outcome of the boundaries commission created to draft new municipal districts.<sup>15</sup> William gives several reasons for the success of the 1906 bill after numerous attempts had failed in the past. Chief among these was the role of Dr. John McCall, first in adopting a new approach to the issue of reform, and then by piloting the bill through parliament when in opposition in 1906. Another reason was reformers were at pains to

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<sup>9</sup> G. Rootes, 'Local Government Reform in Tasmania 1906-1939: with special reference to the North West Coast', (MA Thesis, University of Tasmania 2004) p. 81.

<sup>10</sup> *ibid.*, pp. 81-82.

<sup>11</sup> *ibid.*

<sup>12</sup> V. G. William, 'Local Government Reform 1906-07: a permanent panacea?', (BA Hons Thesis, University of Tasmania 1969).

<sup>13</sup> *ibid.*, pp. 29-31.

<sup>14</sup> *ibid.*, pp. 32-36.

<sup>15</sup> *ibid.*, pp. 38-41.

emphasise that the bill was a 'non-party' measure, thereby encouraging members to compromise on contentious issues rather than reject the bill outright. Finally, reformers embraced the ward system which allowed local differences to be accommodated within larger local units.<sup>16</sup>

The major weakness in Rootes and William's analysis of the reform of 1906, however, is the absence of the broader context of what was occurring in the immediate post-Federation era of Tasmanian politics. Michael Roe has supplied a comprehensive account of this period, but mentions only briefly the attempt by the Lewis government to pass a local government bill in 1902.<sup>17</sup> This chapter will provide an account that places the local government reform of 1906 within broader developments of Tasmanian politics after Federation. It will argue that Federation left Tasmania with large debts and reduced income, prompting the Lewis government (1899-1903) to propose a tax on incomes to boost revenue. Concerned about an increase in taxes, a movement was formed in early 1902, calling itself the State Reform League. Branches of the League were quickly established throughout the State demanding a reduction in public expenditure before new taxes were introduced. The main aims of the League were parliamentary reform and general retrenchment in public spending, with reform of local government later added to its platform. In response to the League, the Lewis government announced a raft of bills dealing with retrenchment and reform, including a new local government bill. While the government had success with some of its reforms, the local government bill was rejected by parliament. The Lewis government repeated many of the mistakes committed in the

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<sup>16</sup> *ibid.*, pp. 42-54.

<sup>17</sup> M. Roe, *The State of Tasmania: identity at Federation time*, (Hobart 2001) p. 114.

past with regards to local government reform, attempting to impose reform upon reluctant local bodies.

The State Reform League fell out of favour with the Lewis government, and supported the opposition led by William Propsting in the 1903 general election. Propsting's victory led to renewed calls for local government reform, and a bill for that purpose was left in the hands of his Chief Secretary John McCall. He decided to adopt a new consultative and bi-partisan approach to the issue. Conferences were held in 1904 with local bodies to garner support for reform and draft an acceptable bill. However, the Propsting government (1903-1904) fell before the bill could be considered by parliament.

It was left to the new Evans government (1904-09) to submit the aborted bill to parliament in 1906. Ministers stressed that it was a 'non-party' measure designed to promote greater co-operation and consensus on a reform that was badly needed. This bi-partisan approach, with the bill steered through parliament by McCall, as a member of the opposition, was the main reason for its success. To solve the problem of local government boundaries, an issue that had scuttled attempts at reform in the past, two solutions were proposed. Firstly, the ward system would be introduced for the purpose of electing councillors, allocating road revenue, and allowing local differences to be accommodated within larger units. Secondly, an independent commission was appointed to draft the boundaries of the new municipalities. This commission deliberately chose not to antagonize local bodies, in most cases creating small municipal districts that corresponded to local 'community of interest'. With the last remaining obstacle overcome, comprehensive municipal government was established in Tasmania from 1 January 1908.

*Federation, Retrenchment and Reform 1901-1904*

The Federation of the six existing Australian colonies into one commonwealth was welcomed for the most part by a majority of the Tasmanian community.<sup>18</sup> Some doubts regarding the financial benefits of Federation to Tasmania were expressed by many, led by the statistician R. M. Johnston. Given her size and population, coupled with a heavy reliance on customs and excise duties for government revenue, there was a fear that Federation could potentially bankrupt the new State.<sup>19</sup> Co-operating with colleagues from the smaller colonies of Western and South Australia, Tasmanian delegates to the federal conventions of the 1890s sought to ensure that a proportion of the surplus revenue derived by the Commonwealth from custom duties would be redistributed back to the States.<sup>20</sup>

The result was the inclusion of sections 87 and 96 into the new constitution. Section 87 meant that for the first decade of Federation the Commonwealth could spend only one fourth of its custom revenue, with the rest redistributed back to the States. Section 96 enabled the Commonwealth parliament to grant financial assistance to any State on such terms and conditions it thought fit. These concessions strengthened the case of those in Tasmania who argued for Federation and helped them comfortably win the referendum on the subject.<sup>21</sup>

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<sup>18</sup> See S. Bennett, 'Tasmania's Referendum Choices 1898/9', *The New Federalist*, 3, 1999, pp. 3-8.

<sup>19</sup> J. B. Hirst, *The Sentimental Nation: the making of the Australian Commonwealth*, (South Melbourne 2000) p. 179; R. J. May, 'The Politics of Federalism: financial relations between Tasmania and the Commonwealth 1901-1933', *Australian Journal of Politics and History*, 14(3), 1968, p. 374.

<sup>20</sup> J. A. La Nauze, *The Making of the Australian Constitution*, (Melbourne 1972) pp. 211-15.

<sup>21</sup> Bennett, 'Tasmania's Referendum Choices 1898/9', pp. 5-6.

The honeymoon period, however, was short-lived. Within a few months of Federation in 1901 the financial effects of the new arrangement were felt. Owing to 'custom's leakage',<sup>22</sup> government expenditure far exceeded revenue, and the Lewis government was forced to borrow.<sup>23</sup> In 1902 the Treasurer B. S. Bird announced the government had debts of more than £200,000.<sup>24</sup> To boost its revenues, the government revealed in 1901 the need for an overhaul of property assessments to maximise the revenue from property taxes and for a tax on incomes.<sup>25</sup>

These proposals, along with the large increases in government borrowing, did not sit well with the Tasmanian public. In April 1902, a public meeting at Burnie called for a reduction in public expenditure and, following the example of a burgeoning movement in Victoria, formed the Reform League.<sup>26</sup> Soon after a meeting was held in Hobart for the same purpose.<sup>27</sup> The instigator of the meeting, W. P. Brownell, declared it time 'that a financial reform league be formed for securing economy in the management of State affairs and a less expensive form of State government'.<sup>28</sup> The League particularly wanted further reform of parliament. The government had passed an Act in 1901 reducing the members of the House of Assembly by three to thirty-five, and members of the Legislative Council by one to eighteen.<sup>29</sup> But the League wanted a further reduction of

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<sup>22</sup> See D. I. Wright, 'Tasmania and the Customs Leakage 1901-13', *Tasmanian Historical and Research Association Papers and Proceedings*, 16(4), 1969, pp. 124-131.

<sup>23</sup> Roe, *The State of Tasmania*, p. 103.

<sup>24</sup> Townsley, *Tasmania from colony to statehood*, p. 235.

<sup>25</sup> Roe, *The State of Tasmania*, pp. 102-3.

<sup>26</sup> *Daily Telegraph* (DT), 15 April 1902.

<sup>27</sup> *Mercury*, 19 April 1902.

<sup>28</sup> *Mercury*, 25 April 1902.

<sup>29</sup> *Constitution Act Amendment* 1901.



numbers in parliament. Other demands were retrenchment in the civil service and borrowing to be confined to reproductive works and loans redemption.<sup>30</sup>

The press welcomed the new League,<sup>31</sup> and in May and June many branches were formed in towns throughout the State.<sup>32</sup> By mid-June Brownell claimed that over forty branches had been established.<sup>33</sup> The League published a preliminary platform in May. It consisted of five main planks:

- 1) That the cost of State and Federal expenditure is excessive
- 2) That the State ministers should be reduced to three in number, and the Legislative Council to ten members, and the House of Assembly to twenty members
- 3) That the annual expenditure of the public departments should be substantially reduced and kept in bounds commensurate with the earning power of the people
- 4) That all further borrowing, either in the money market at home or abroad, or from trust funds, save for works of an undoubtedly reproductive character, or the redemption of loans, should cease.
- 5) That candidates for parliament shall be pledged to the above programme.<sup>34</sup>

The League was deliberately vague as to how these reforms would be carried out, believing that was the task best left to parliamentarians. It was also initially at pains to stress that it was a bipartisan movement, not necessarily opposed to the Lewis government, and would support all candidates who sympathised with their aims. One glaring omission in the platform, a correspondent to the *Mercury* noted, was a resolution for local government reform. The League's 'no. 5 plank should be "That the time has arrived when an improved and more economical system of local government should be

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<sup>30</sup> *Mercury*, 25 April 1902.

<sup>31</sup> See *DT*, 26 April 1902; *Mercury*, 24 May 1902, 14 June 1902.

<sup>32</sup> For instance, [Launceston] *DT*, 2 May 1902; [Latrobe] *DT*, 7 May 1902; [Zeehan] *DT*, 10 May 1902; [Beaconsfield] *DT*, 12 May 1902; [Evandale] *DT*, 21 May 1902; [Deloraine] *DT*, 23 May 1902; [Ulverstone] *DT*, 24 May 1902; [Mathinna] *DT*, 26 May 1902; [Waratah] *DT*, 13 June 1902; [Glenorchy] *Mercury*, 29 May 1902; [New Town] *Mercury*, 13 June 1902; [New Norfolk] *Mercury*, 24 June 1902; [Richmond] *Mercury*, 5 August 1902.

<sup>33</sup> *Mercury*, 18 June 1902.

<sup>34</sup> *Mercury*, 2 May 1902.

brought into operation".<sup>35</sup> Indeed, the League was silent on local government in the State, concentrating entirely on reforming parliament and the civil service. But it did note in one of its statements to the press that 'added to the annual State expenditure we have that which is incurred by a multiplicity of local government bodies, involving an outlay of £230,206.'<sup>36</sup> At a meeting of the New Norfolk branch Reverend J. Oberlin Harris thought 'the introduction of a proper system of local government would mean great economy'.<sup>37</sup>

The Lewis government was not particularly fazed by the rise of the League. Bird announced that 'there was no need for the people to work themselves into a state of panic as they were doing'.<sup>38</sup> He also could not resist having a dig at the movement. Addressing a small crowd at a Launceston meeting called by the League, Bird wondered if 'there was not that strong feeling for reform which they were lead to believe from the actions of the reform league'.<sup>39</sup> He challenged the League to show where the government had been extravagant in its spending and where the reductions would come, especially in the civil service, which Bird declared could not be worked any cheaper than at present.<sup>40</sup>

In July, Lewis addressed constituents at Richmond and outlined the government's agenda for the upcoming session of parliament. There would be some reductions in government expenditure, particularly cuts in aid to local bodies. Lewis believed that 'local bodies must be prepared to rely less upon State assistance for the maintenance and

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<sup>35</sup> *Mercury*, 9 May 1902 'Finance Reform' by Old Colonist.

<sup>36</sup> *Mercury*, 11 June 1902.

<sup>37</sup> *Mercury*, 24 June 1902.

<sup>38</sup> *DT*, 16 June 1902.

<sup>39</sup> *Mercury*, 24 June 1902.

<sup>40</sup> *ibid.*

management of local works than has been the case in the past'.<sup>41</sup> There would also be a new taxation bill and further constitutional reform. Lewis rejected the League's proposal for a Legislative Council of ten members and a House of Assembly of twenty, and advocated the replacement of the bicameral parliament with just one chamber. It would consist of thirty members, ten elected on the old Legislative Council franchise, the remaining twenty on the old House of Assembly franchise. One house would save £3500 a year, and be more effective and efficient in carrying out parliamentary business.<sup>42</sup>

Complementing constitutional reform would be a bill for local government reform. Lewis noted 'there is no doubt that our present system of local government is too diffuse and decentralized, and the energies of too many are required to manage our local affairs'.<sup>43</sup> He claimed that local government in the State consisted of 366 bodies occupying the time of 2102 men. Lewis was being slightly disingenuous here. As we saw in the previous section of this thesis, many of the boards of advice, cemetery trusts, local boards of health and water trusts that Lewis implied were autonomous bodies were in fact under the auspices of rural municipal councils or town boards. Still, the government would 'attempt to reduce the present somewhat chaotic state of affairs into order'.<sup>44</sup> Piesse's bill, however, had been 'too ambitious', and so Lewis proposed a stripped down version of the measure.

The new bill proposed to divide the colony into large rural districts, each with a rateable area of between £20,000 to £30,000. Each district would be governed by a board consisting of twelve members, six elected from the entire district, the other six from

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<sup>41</sup> *Mercury*, 17 July 1902.

<sup>42</sup> *ibid.*

<sup>43</sup> *ibid.*

<sup>44</sup> *ibid.*

wards. The boards would be given all the powers currently exercised by rural municipalities, road trusts, main road boards, fruit boards and local boards of health. They would also be able to appoint local committees of three members to oversee works in particular areas. Town boards were excluded from the bill, but all inhabitants outside the cities of Hobart, Launceston and the twenty-three town boards would be compelled to form rural districts from May 1903.<sup>45</sup>

The bill was welcomed by the press.<sup>46</sup> The *Examiner* commented that ‘there is a vast amount of misdirected energy and the object of the bill is to concentrate it, and turn it into more useful channels’.<sup>47</sup> The *Daily Telegraph* also saw the solution to the ‘present disorganized form of local government’ existing in the State was ‘that of centralizing the functions of the numerous little bodies in one large local government body representative of the whole district’.<sup>48</sup> The *Advocate*, however, while supporting reform, argued against creating large districts that ignored social and political divisions in the State. ‘It might still be urged’, the paper continued, ‘that in large districts such as are proposed the wants of small sections are likely to be overlooked, and that the residents therein will not be able to make their voice heard amongst those important matters engaging the board’s attention’.<sup>49</sup> A correspondent to the *Mercury* raised the same concern. Pointing to the history of the road trust system, ‘it should be remembered that there has been a very good and sufficient reason for the division of road districts in the past...that outlying ratepayers

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<sup>45</sup> *North Western Advocate* (NWA), 30 August 1902.

<sup>46</sup> NWA, 9 September 1902, 11 September 1902.

<sup>47</sup> *Examiner*, 12 September 1902.

<sup>48</sup> *DT*, 12 September 1902.

<sup>49</sup> NWA, 10 September 1902.

could not always obtain justice or attention to their wants from trusts sitting at a distance of many miles, ignorant and careless of their interests'.<sup>50</sup>

Consternation at the boundaries of the new districts saw local bodies, especially road trusts, oppose the bill.<sup>51</sup> The Green Ponds Municipal Council thought the bill was 'too cumbersome'.<sup>52</sup> Other councils believed it would result in an increase of local taxes, and would only see elected representatives replaced by paid officials, repudiating the very essence of local self-government.<sup>53</sup> Numerous petitions against the bill were sent to parliament.<sup>54</sup> In this climate the Chief Secretary, G. T. Collins, introduced the bill to the Legislative Council in early September. Containing 223 clauses, Collins noted it was 'much smaller in dimensions and not as pretentious as the [Piesse] bill'.<sup>55</sup> If passed, the bill would cut the number of local bodies, while increasing their 'importance and prestige'.<sup>56</sup> Best of all, it would foster 'acceptance by local bodies of increased financial obligations, which it is proposed to place upon them under the existing circumstances of State finance, and I venture to say, many very properly be taken up by them'.<sup>57</sup>

His colleagues were unimpressed. Several thought that given the importance of the measure it should have been first presented to the Assembly. Other members pointed to the opposition to the bill, and claimed that ratepayers did not want it. W. W. Perkins, member for Pembroke, declared that 'he did not see any benefit to be derived from

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<sup>50</sup> *Mercury*, 22 July 1902 'Local Government Bill' by Practical; see also *Mercury*, 15 September 1902 'The Local Government Bill' by Local Government.

<sup>51</sup> *NWA*, 28 October 1902, 30 October 1902; *North West Post* (NWP), 16 September 1902; *Mercury*, 12 September 1902.

<sup>52</sup> *Mercury*, 3 September 1902.

<sup>53</sup> [Richmond] *Mercury*, 7 October 1902; [Brighton] *Mercury*, 10 September 1902; [Hamilton] *Mercury*, 15 October 1902; [Glamorgan] *Mercury*, 6 September 1902; [Fingal] *Mercury*, 15 October 1902.

<sup>54</sup> Legislative Council Voting and Proceedings, *Tasmania: Journals and Printed Papers of Parliament JPPP(Tas.)*, 1902, p. 58.

<sup>55</sup> *Mercury*, 11 September 1902.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

disturbing establishments that had existed for 50 years. The people he represented were satisfied with things as they were and did not want a change'.<sup>58</sup> William Moore, member for Russell, saw the great difficulty presented by the bill 'was the harmonious subdivision of the island'.<sup>59</sup> H. A. Nichols, member for Mersey, thought that any meaningful reform had to include the town boards of the State.<sup>60</sup> Stonewalled by a majority of the Legislative Council, the bill lapsed by prorogation.

The government had mixed fortunes with its other bills for reform. Measures to increase stamp duties, estate duties and property taxes were successful.<sup>61</sup> The bill to introduce an income tax had a more troubled existence, facing stiff opposition in and outside parliament,<sup>62</sup> but eventually succeeded.<sup>63</sup> The bill for constitutional reform, however, was defeated by the Council.<sup>64</sup>

The government's reforms provoked much discussion inside the Reform League, and evoked disagreement over whether to retain a bicameral parliament or adopt a single chamber.<sup>65</sup> A Statewide conference of delegates was called in August to discuss and finalise the League's platform. The delegates reconfirmed all of the planks of the platform published in May. It also debated a motion moved by R. C. Kermode, a member of the Ross Municipal Council, 'that we are of opinion that a system of local government is a necessary part of reform'.<sup>66</sup> Kermode thought it 'desirable that there should be some amalgamation of trusts so that better men would have an opportunity of

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<sup>58</sup> *Mercury*, 12 September 1902.

<sup>59</sup> *ibid.*

<sup>60</sup> *Mercury*, 18 October 1902.

<sup>61</sup> Roe, *The State of Tasmania*, p. 110.

<sup>62</sup> *DT*, 22 November 1902, 25 November 1902, 26 November 1902.

<sup>63</sup> See Roe, *The State of Tasmania*, pp. 112-13.

<sup>64</sup> *ibid.*, p. 114.

<sup>65</sup> *Mercury*, 3 July 1902, 6 August 1902.

<sup>66</sup> *Mercury*, 7 August 1902.

undertaking the work of local government'.<sup>67</sup> Another delegate, J. C. E. Knight of Glenorchy, pointed to 'the necessity of concentrating numbers of the smaller local bodies throughout the country'.<sup>68</sup> Another, G. E. Piesse of Bridgewater, declared that 'it was a farce to keep so many trusts and boards in existence, considering the feebleness of them'.<sup>69</sup>

The conference overwhelmingly supported the motion for local government reform. The *Daily Telegraph* remarked 'almost without exception they were in favour of amalgamation, believing the boards could be thus worked more economically, and that a better class of member would be forthcoming'.<sup>70</sup> The League's final platform was published in September it read:

- 1) That the cost of State government is excessive
- 2) That the Premier's scheme for the reduction of members, subject to proper safeguards for preserving the rights and privileges of both houses is accepted
- 3) That the annual expenditure of State departments should be substantially reduced
- 4) That no scheme of new taxation will be acceptable to the community until there has been a substantial reduction in public expenditure
- 5) That any further borrowing, save for works of an urgent and undoubtedly reproductive character, or for the redemption of loans, should cease
- 6) That a system of local government is a necessary part of reform
- 7) That the various branches of the league undertake to use their influence to secure the acceptance of the platform by the people and registration of votes
- 8) That candidates for parliament should be pledged to the above programme.<sup>71</sup>

The League's bipartisan approach to secure reform was strained when it used its influence to secure a select committee to investigate retrenchment in the civil service.<sup>72</sup> The report of the committee, along with the opposition to the income tax bill, steered the

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<sup>67</sup> *ibid.*

<sup>68</sup> *ibid.*

<sup>69</sup> *ibid.*

<sup>70</sup> *DT*, 8 August 1902.

<sup>71</sup> *DT*, 2 September 1902.

<sup>72</sup> See 'Civil Service: report of select committee', *JPPP(Tas.)*, 1902, paper no. 43; 'Civil Service Board: report as to further reductions in the civil service', *ibid.*, paper no. 45.

League towards supporting the opposition led by W. B. Propsting.<sup>73</sup> Lewis called a general election for April 1903, and the League backed parliamentarians sympathetic to it, such as John McCall and Herbert Nicholls, and its own candidates contesting seats such as H. J. Payne, W. P. Brownell and G. E. Moore.<sup>74</sup>

Given the financial problems of the State, both government and opposition campaigned on the issues of reform and retrenchment. As the *Daily Telegraph* noted ‘there are probably few prepared to dispute the existence of the necessity of reform — of the need for reducing expenditure, providing a less costly and cumbrous parliament, overhauling the State system of taxation with a view to making it less harassing in its operation and more just in its incidence, lightening the load of the central system of government and extending the authority and powers of local bodies’.<sup>75</sup> The government pointed to its record and its frustrated attempts at constitutional reform.<sup>76</sup> The opposition pledged adjustments to the tax on incomes, the ‘fullest amount of retrenchment possible without loss of efficiency’, and further parliamentary reform.<sup>77</sup> Local government reform was not mentioned at all.

The election result was devastating defeat for the government. Three ministers lost their seats — N. E. Lewis, Edward Mulcahy and B. S. Bird — all to candidates supported by the League — Herbert Nicholls, G. E. Moore and W. P. Brownell respectively.<sup>78</sup> Little wonder that a meeting of the League in Burnie celebrating the anniversary of the movement saw Propsting’s victory as their victory. Addressing the crowd, the new Chief

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<sup>73</sup> Roe, *The State of Tasmania*, pp. 116-17.

<sup>74</sup> *ibid.*, p. 120.

<sup>75</sup> *DT*, 10 February 1903.

<sup>76</sup> *Mercury*, 5 March 1903.

<sup>77</sup> *DT*, 20 May 1903.

<sup>78</sup> *Mercury*, 3 April 1903.



Secretary, John McCall, said the government would try to implement as much as possible the platform of the League. Referring to the plank concerning local government, McCall announced that 'it would be his duty as early as possible to introduce a local government bill'.<sup>79</sup> Mindful of the recent failed efforts at reform, McCall adopted a suggestion put forward by C. E. Davies, member for Cambridge, the previous September. Davies had urged the Lewis government to call a conference of local bodies to discuss reform and assist in drafting an acceptable reform bill.<sup>80</sup> McCall thought this a wise course of action and said he intended 'visiting different centres, and consulting those engaged in local government, so that the *Local Government Act*, when passed, might be made to fit the requirements of the different localities'.<sup>81</sup>

However, the Propsting government was occupied for most of the 1903 parliamentary session in conflict with the Legislative Council over amendments to various tax Acts.<sup>82</sup> McCall was asked by J. W. Evans, member for Kingborough, in November whether he intended to submit a bill for local government reform. McCall answered that consultation and preparation of the bill would be conducted over the summer recess.<sup>83</sup> Consequently, it was not until early 1904 that the matter was considered.

In late January McCall sent a circular to all rural municipalities, town boards and road trusts in the State telling them that the government was 'anxious to pass a local government bill during the coming session of parliament'.<sup>84</sup> Accompanying the circular was an 'epitome of the local government bill' broadly outlining the reform proposed by

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<sup>79</sup> *Mercury*, 12 June 1903.

<sup>80</sup> *Mercury*, 23 September 1902 'A Local Government Bill' Fred. B. Rattle.

<sup>81</sup> *Mercury*, 12 June 1903.

<sup>82</sup> See Roe, *The State of Tasmania*, pp. 125-129.

<sup>83</sup> House of Assembly Votes and Proceedings, 4 November 1903, *JPPP(Tas.)*, 1902, p. 178.

<sup>84</sup> Circular sent to all local bodies by the Chief Secretary, 29 January 1904, AOT, Colonial Secretary Department: General Correspondence Files: Local Government Conference file (CSD 22 1904 file no. 93).

the government. To secure support from local bodies for reform, three commissioners were to be appointed to divide the State into no more than forty districts for the purpose of local government. Each district would have a local council of thirteen members, elected in the manner laid out by the *Rural Voting Act* 1884. Every district would be divided into three wards for allocating funds and electing councillors. The advantages of the ward system had been suggested to the government in the past,<sup>85</sup> and some road trusts, such as Green Ponds, had also informally divided their districts in order to distribute revenue more equitably.<sup>86</sup> Three councillors would be elected from each ward, the remaining four from the whole municipality. The new councils would have the powers currently exercised by rural municipalities, town boards, main road boards, road trusts, recreation ground trusts, and local boards of health, as well as being responsible for pest control. Councils would also be given greater rating powers with the ability to levy a separate local rate for works in any specific part of the municipality. They would no longer have any judicial functions as these were to be handed over to the government. Town boards would be initially excluded from the bill, although they could join municipalities at a later date if they wished. Some water trusts would also be excluded from the bill. McCall intended to call a conference of local bodies to discuss these suggestions and assist in the drafting of a bill to present to parliament.<sup>87</sup>

The *Examiner* applauded all this, believing a conference would dramatically increase the likelihood of the bill succeeding. Previously local bodies had been sidelined during the drafting process, but now ‘those local bodies will have an opportunity of framing the

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<sup>85</sup> See G. N. Stieglitz to Colonial Secretary, 14 January 1869, AOT, Colonial Secretary Department: General Correspondence Files: Ward system suggestion (Ref: CSD 7/16 file no. 21)

<sup>86</sup> AOT, Green Ponds Road Trust: Minutes 1895-1907 (Ref: LA 24/4) 5 September 1898, 3 October 1898

<sup>87</sup> *Mercury*, 2 February 1904.

measure to their own liking'.<sup>88</sup> The *Advocate* thought 'the government scheme on the whole seems a meritorious one'.<sup>89</sup> The *Zeehan and Dundas Herald* also welcomed the move.<sup>90</sup>

The conference was held in Hobart in late February, and was attended by around ninety delegates. Most of the rural municipalities and town boards were present, with only around half of the road trusts in the State being represented. Many of those absent were from the North and North West, due to some trusts believing that they rather than the government were responsible for travelling expenses down to Hobart.<sup>91</sup> McCall opened the conference by admitting the existing system of local government was 'very cumbersome'.<sup>92</sup> The aim of the government was 'for concentration, larger districts with greater revenues, districts which would be in a position to employ competent officials. Thus the State government might be relieved of a considerable amount of work it was at present doing'.<sup>93</sup> The conference aimed to reach agreement on broad principles. The government would then draft a bill, to be put to a second conference of local bodies. After amendments to the bill had been made by this conference, the bill would be presented to parliament. The process was similar to that adopted in New South Wales at the exactly the same time.<sup>94</sup>

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<sup>88</sup> *Examiner*, 2 February 1904.

<sup>89</sup> *NWA*, 8 February 1904.

<sup>90</sup> *Zeehan and Dundas Herald* (ZDH), 6 February 1904.

<sup>91</sup> *NWA*, 9 February 1904.

<sup>92</sup> *NWA*, 18 March 1904.

<sup>93</sup> *ibid.*

<sup>94</sup> F. A. Larcombe, *The Stabilisation of Local Government in New South Wales 1858-1906* (Sydney 1976) p. 404.

The conference passed by an overwhelming majority a resolution ‘that this meeting affirms the desirability of passing a local government bill for Tasmania’.<sup>95</sup> It then approved of five commissioners to tour and divide the State into new municipal districts. The conference agreed that the nineteen rural municipalities should be ‘disturbed as little as possible’.<sup>96</sup> There was a difference of opinion between the government and local bodies over the number of new municipalities to be created. McCall thought twenty was a realistic target, bringing the total number of rural municipalities to around forty. But delegates, particularly those from road trusts, were wary of creating large municipalities. They wanted no definite figure put on the number of new municipalities, believing the commissioners should have free reign to decide the most appropriate arrangement for the different circumstances and needs of all districts in the State.<sup>97</sup>

Road trust delegates, claiming they represented the outlying and sparsely-populated areas of rural Tasmania, were also wary of the new ward system for electing councillors. They argued that more populated areas or towns would be advantaged by having four councillors elected from the whole municipality, which would then negate the benefits of having members elected from wards. While McCall dismissed this view as unnecessarily alarmist, the conference agreed to allow municipalities to elect either nine or thirteen councillors. A nine member council would reduce the number of councillors elected by the whole municipality.<sup>98</sup>

The conference approved of most of the suggestions put forward in the ‘epitome of the local government bill’. It did, however, insist that municipal councils retain some

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<sup>95</sup> NWA, 18 March 1904.

<sup>96</sup> *Mercury*, 20 February 1904.

<sup>97</sup> NWA, 18 March 1904.

<sup>98</sup> *Examiner*, 25 February 1904.

judicial functions. Daniel Burke, warden of Westbury, told the conference local courts had been well managed by councils for over forty years, and there was no need for change.<sup>99</sup> The conference also wanted all works currently maintained by water trusts to be handed over to municipal councils. The only provision not discussed was the scale of voting for municipal elections, which was left for the following conference. McCall closed proceedings by announcing ‘that an important step forward had been made’, and that the bill drafted as a result of the conference would be likely to be approved by parliament.<sup>100</sup>

The *Daily Telegraph* welcomed the outcome of the conference. The scheme approved ‘seems to be one calculated to meet the immediate requirements of the State and to form the groundwork upon which a strong and healthy system of local government may be built up’.<sup>101</sup> The nineteen rural municipalities, who remained relatively untouched by the new bill, and town boards, who were excluded from it, were the most pleased. Dissatisfied were a number of road trusts, especially small and remote road trusts, who feared that outlying areas would be neglected in larger municipalities.<sup>102</sup> The *Mercury* reported that this fear led many trustees to claim that the road trust system was working fine and there was no need for change.<sup>103</sup>

McCall, however, was confident that the ward system would reduce this anxiety, and spent March drafting a new local government bill.<sup>104</sup> He presented the bill to parliament for its first reading on 13 April, and called another conference of local bodies in

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<sup>99</sup> NWA, 23 March 1904.

<sup>100</sup> *Mercury*, 20 February 1904.

<sup>101</sup> *DT*, 19 March 1904.

<sup>102</sup> NWA, 8 February 1904, 9 February 1904.

<sup>103</sup> *Mercury*, 22 February 1904, 11 March 1904.

<sup>104</sup> NWA, 22 March 1904.

Launceston on 18 April for final amendments before the second reading. The new bill was true to most of the guidelines laid down by the first conference. A commission would divide the colony into thirty-five to fifty municipalities, each district further divided into three wards, with every district governed by a council of nine or thirteen members. New provisions included were an altered scale of voting for municipal elections,<sup>105</sup> powers enabling different councils to work together on projects of common interest, and the ability of the government to appoint a commission to take the place of a council if circumstances required it.<sup>106</sup> McCall opened proceedings by declaring that ‘if this bill becomes an Act we will have reason to be proud of the work we have done, and the State will, at any rate, have the foundation laid for a sound system of local government’.<sup>107</sup>

As a result of the press being barred from covering the conference, little is known about deliberations on the various provisions of the bill. McCall’s main objective was to include town boards in the legislation, while the aim of some road trust delegates was to extricate themselves from it. A motion by Jonathon Best, a member of the Deloraine Road Trust, that road trusts be excluded from the bill was overwhelming defeated.<sup>108</sup> McCall released at the end of the day the significant results of the discussion. These were that town boards were to come under the Act; that municipalities could be divided into more than three wards; that councillors would be elected from wards only; that alterations of municipal boundaries could occur only from a petition from residents requesting the change; and that the scale of voting was to remain as stipulated by the *Rural Voting*

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<sup>105</sup> Under £30 1 vote; £30 – £59 2 votes; £ 60 – £99 3 votes; £100 – £149 4 votes; £150+ 5 votes.

<sup>106</sup> *Mercury*, 19 April 1904.

<sup>107</sup> *ibid.*

<sup>108</sup> *Examiner*, 19 August 1904.

*Act*.<sup>109</sup> The changes appeared to be a concession to road trust delegates in order to get support for the bill. The granting of more wards, and the election of councillors only from wards, was an attempt to assuage the fears of outlying and remote areas that they would be neglected or exploited as a result of joining a larger municipality. The *Zeehan and Dundas Herald* reported that the motion to have town boards included in the bill was carried by a narrow majority.<sup>110</sup>

The final obstacle to comprehensive municipal government had been the drafting of an acceptable bill of local government reform. At the conclusion of the second conference in April, with local bodies giving their approval to a new bill, one part of this obstacle had been overcome. The last difficulty was getting the bill through parliament. By the middle of 1904, however, the Propsting government was on its last legs. Continuing disputes with the Legislative Council, together with public anger over its income tax measures, had sapped its energy.<sup>111</sup> In June the government resigned. The local government bill, a product of a bold and successful attempt to build support for major reform, was left to languish, not even reaching its second reading. While the Propsting ministry had pushed comprehensive municipal reform to the brink of completion, it was left to the new government, led by J. W. Evans, to apply the finishing touches.

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<sup>109</sup> *Mercury*, 19 April 1904.

<sup>110</sup> *ZDH*, 2 May 1904.

<sup>111</sup> See Roe, *The State of Tasmania*, pp. 130-134.

*The Local Government Act 1906*

The Evans government spent most of 1904 and 1905 occupied with various bills concerning taxation, education and constitutional reform.<sup>112</sup> It also appointed a Royal Commission to enquire into a re-organization of the Civil Service, which recommended that the number of government departments could be reduced.<sup>113</sup> The financial position of the colony was slowly improving with the government announcing a small surplus in 1905, although the State still had debts over £200,000.<sup>114</sup> A general election was held in early 1906. The government was comfortably re-elected on a platform of constitutional reform, an overhaul of land assessment and taxation, and a pledge to boost the agricultural sector. Central to the last task was greater expenditure on roads and bridges to open up and encourage further settlement on Crown Land.<sup>115</sup>

With an ailing road trust system, and the government still insisting that the maintenance of roads was the responsibility of local bodies, the desire to build more roads reignited the movement towards comprehensive municipal government. In February 1906 Evans announced that local government reform had been ‘a vexed question for years’, but it was the intention of the government ‘to inaugurate a new and better system than the one now in operation’.<sup>116</sup> During the general election John McCall

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<sup>112</sup> Townsley, *Tasmania: from colony to statehood*, p. 243.

<sup>113</sup> ‘Royal Commission on the Civil Service of Tasmania: general report of commissioners’, *JPPP(Tas.)*, 1905, paper no. 28.

<sup>114</sup> *Mercury*, 1 September 1905.

<sup>115</sup> *Examiner*, 26 February 1906.

<sup>116</sup> *ibid.*



volunteered to steer a local government bill through parliament if the government was interested,<sup>117</sup> and Evans announced in July 1906 that he had taken up the offer.<sup>118</sup>

The government soon released a draft bill, similar to that of the Propsting government. Five commissioners would divide the State into thirty-five to fifty districts, each district sub-divided into three or five wards, with three councillors to be elected from each ward. The mode and scale of voting for municipal elections was to be the same as that laid out by the *Rural Voting Act* 1884.<sup>119</sup> The new councils would be responsible for pest control, along with exercising powers currently vested in rural municipalities, road trusts, main road boards, town boards and local boards of health. Where the 1904 bill had included all town boards in the State, the new bill would exempt those town boards contiguous to the cities of Launceston and Hobart.<sup>120</sup> It was hoped that these boards would be part of the Greater Launceston and Hobart movements, which were in their embryonic stage.<sup>121</sup>

The bill was welcomed by the press of the colony.<sup>122</sup> The *Mercury* remarked that 'there are too many local governing bodies in Tasmania, and any Act which can be passed consolidating some of these overlapping bodies, will be distinctly to the advantage of the State'.<sup>123</sup> The *Examiner* was astonished 'how some people are prepared to muddle on year after year, decade after decade, in the same pettifogging style. Again, each year sees matters becoming worse, inasmuch as new local governing organizations are being created, and the work of governing this little island is becoming more and more split

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<sup>117</sup> NWA, 23 March 1906.

<sup>118</sup> *Mercury*, 6 July 1906.

<sup>119</sup> Scale of Voting under the *Rural Voting Act* was under £30 1 vote; £30 – £79 2 votes; £80– £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 – £459 6 votes; £460 + 7 votes.

<sup>120</sup> *Mercury*, 3 July 1906.

<sup>121</sup> See *DT*, 30 June 1906; *Mercury* 5 September 1906.

<sup>122</sup> *ZDH*, 5 July 1906.

<sup>123</sup> *Mercury*, 18 July 1906.

up'.<sup>124</sup> The *Daily Telegraph* thought that 'an economical and efficient system of local government' was 'what Tasmania wants to complete the rearrangement of her affairs of government rendered necessary by the arrival of Federation'.<sup>125</sup> The *Advocate* was more cautious. It admitted that 'an alteration in our system of local government is required and required badly', but worried that outlying areas would be neglected in larger municipalities.<sup>126</sup> It wondered whether 'this bill in its present shape does not seek to alter the existing order too radically'.<sup>127</sup>

The bill had its second reading in the Assembly on 17 July. Introducing the bill to cheers from colleagues, the Minister for Lands and Works, Alexander Hean, stressed the bill was a 'non-party measure'.<sup>128</sup> He thought the prevailing system — a 'bewildering number of petty authorities overlapping each other' — was all 'a waste of time, energy and money'.<sup>129</sup> Steering the bill through committee by a private member should promote greater consensus, and enable a 'more consistent, uniform and economical system of local government throughout the State'.<sup>130</sup>

The bill was cautiously welcomed. Some members claimed the public did not want the bill, or that country areas had not been properly consulted.<sup>131</sup> This argument was dismissed by McCall, who pointed to the conferences held in 1904. Other members wanted all town boards to be excluded from the bill or had concerns about the introduction of wards for voting purposes. Labor members announced that they planned

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<sup>124</sup> *Examiner*, 19 July 1906.

<sup>125</sup> *DT*, 10 July 1906.

<sup>126</sup> *NWA*, 24 July 1906.

<sup>127</sup> *ibid.*

<sup>128</sup> *Mercury*, 18 July 1906.

<sup>129</sup> *ibid.*

<sup>130</sup> *ibid.*

<sup>131</sup> *Mercury*, 18 July 1906, 19 July 1906.

to amend the provisions relating to municipal elections in order to curb the influence of wealth.<sup>132</sup>

The bill spent late July in committee. Substantial disagreement arose in only a few areas. The first was over what local bodies could be exempt from the bill. The government thought a case could be put for excluding local bodies dealing with a specialised field of interest, such as education or codlin moth eradication. The rest of the Assembly thought this would set a bad precedent and allow other bodies, especially road trusts, to petition to have themselves removed from the bill. As this would undermine the whole case for reform, it was agreed that all local bodies should be included in the legislation. A slight concession was made for town boards. The government wanted all town boards bar those in close proximity to Hobart and Launceston to be included in the bill. McCall thought that in some cases existing boards, such as Devonport and those on the West Coast, could be left as they were. He urged that it be left to individual town boards to decide whether they wanted to be included in the reform. But this was unacceptable to the rest of the Assembly, which insisted that comprehensive and uniform reform meant that local bodies could not pick and choose when they wanted to be included in a new system of local government. Consequently, all town boards were included in the bill, with the exception of those contiguous to Hobart and Launceston, with the five commissioners to decide whether they would join greater Launceston or Hobart schemes or be part of other municipalities.<sup>133</sup>

There was also some disagreement over the adoption of the ward system for elections and the allocation of funds. Some members thought the ward system would not work in

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<sup>132</sup> *ibid.*

<sup>133</sup> *Mercury*, 19 July 1906.

some country districts, where the population or rateable value could not be split into equal portions for the sake of wards. An amendment was proposed that municipalities could decide whether they would be split into wards or remain as a single entity. This was rejected. Proponents of the bill stressed that the ward system was crucial to the success of the bill, essential as a safeguard for outlying districts fearful of the consequences of joining a large municipality, and could not be compromised. The ward system remained.<sup>134</sup>

The most contentious part of the bill concerned municipal elections. Labor members believed that property-based voting should be abolished in preference for 'one man one vote'. John Earle, member for Waratah, declared that 'the man who held the most land in a locality had not necessarily the greatest interest'.<sup>135</sup> Getting rid of plural voting 'must commend itself to all true democrats'.<sup>136</sup> But McCall knew that delegates at the 1904 conferences, particularly road trust delegates, were firmly against the principle of 'one man one vote'. Country landowners and residents of sparsely-populated areas feared that one man one vote would transfer all political power to the most populated part of a municipality.<sup>137</sup> McCall therefore moved that property-based voting remain, but with a more liberalised scale of voting. A compromise resolved that the maximum number of any individual possible votes in a ward be reduced from seven to five. A minor adjustment to this effect was made to the scale of voting under the *Rural Voting Act*

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<sup>134</sup> *ibid.*

<sup>135</sup> *Mercury*, 20 July 1906.

<sup>136</sup> *ibid.*,

<sup>137</sup> *NWA*, 22 March 1904.

1884.<sup>138</sup> In a move to appease Laborites, McCall introduced a clause capping the total number of votes able to be exercised by persons owing property in more than one ward of a municipality to five. Under the original terms of the bill a person who owned £240 of property in five wards could have exercised a combined total of twenty-five votes. The bill passed its second reading in early August.<sup>139</sup>

Before the bill was considered by the Legislative Council the fruit boards of the State protested at their inclusion in the bill, arguing that the eradication of the codlin moth could not be left in the hands of persons without experience in the industry.<sup>140</sup> As fruitgrower Arthur Davies told a public meeting at Port Cygnet, 'it required expert knowledge to frame those regulations and how could men who probably had no interest in the fruit industry perform this important work satisfactorily?'<sup>141</sup> Petitions asking for fruit boards to be excluded from the bill were sent to the Legislative Council.<sup>142</sup>

The upper chamber considered the bill in mid-August. Viewed unsympathetically by a majority of the members, various reasons were given for why the bill should be rejected. Arthur Morrisby, member for Gordon, did not like the clause allowing women to sit as councillors. Ellis Dean, member for Derwent, thought the bill would not provide the vaunted economy and efficiency. R. S. Scott, member for South Esk, believed that local bodies would become responsible for constructing roads and bridges, a burden that would financially ruin them. Tetley Grant, member for Buckingham, thought local

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<sup>138</sup> Under the Rural Voting Act the scale was under £30 1 vote; £30 – £79 2 votes; £80– £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 – £459 6 votes; £460 + 7 votes; the proposed system was under £30 1 vote; £30 – £79 2 votes; £80– £159 3 votes; £160 – £239 4 votes; £240 + 5 votes.

<sup>139</sup> *Mercury*, 2 August 1906.

<sup>140</sup> *Mercury*, 23 August 1906.

<sup>141</sup> *Mercury*, 21 August 1906.

<sup>142</sup> Legislative Council Votes and Proceedings, *JPPP(Tas.)*, 1906, 14 August p27; 21 August p33; 28 August p. 43.

government reform would increase land and property taxes. It was left to W. B. Propsting, now Attorney-General, to dispel these fears and argue the case for reform. Eventually, a motion that the bill be read a second time was narrowly passed nine votes to five.<sup>143</sup>

In committee, the Council concentrated on what local bodies could be exempt from the bill, and what was the appropriate scale of voting. After petitions and deputations from representatives of fruit boards, most members were in favour of excluding them. With cases also being made for excluding boards of advice, road trusts and town boards, however, members worried about the precedent. Peter McCrackan, member for Launceston, argued that soon 'there would be nothing left in the bill'.<sup>144</sup> The Council narrowly voted against any exclusion. Furthermore, all town boards were to be included in the legislation, regardless of whether they intended to join the Greater Launceston and Hobart schemes. The Council increased the maximum number of municipal districts able to be established by the boundaries commission from fifty to sixty.<sup>145</sup>

The Council divided on the scale of voting. Most favoured of plural voting. R. S. Scott declared that 'it was recognized that those who paid the largest amount of rates should have voting power equivalent to the amount paid'.<sup>146</sup> While some members were happy with the proposed scale put forward by the Assembly, most wanted the scale under the *Rural Voting Act* to remain. A resolution to that effect was therefore passed.<sup>147</sup> The bill, with minor amendments, was returned to the Assembly in late September.

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<sup>143</sup> *Mercury*, 16 August 1906.

<sup>144</sup> *Mercury*, 30 August 1906.

<sup>145</sup> *ibid.*

<sup>146</sup> *Mercury*, 6 September 1906.

<sup>147</sup> *ibid.*

The lower house agreed to including all town boards, although some members had misgivings about forcing town boards into a municipality against their will. Worried lest the bill be lost, McCall proposed acceptance of the Council's amendment regarding the scale of voting. Labor members rejected this idea, and the House held firm on the original scale.<sup>148</sup> The Council offered a compromise, reducing the maximum number of votes able to be exercised from seven to six. McCall seized the olive branch, and then convinced the House to accept the amendment. With the last obstacle overcome, the bill passed its third reading in early November.<sup>149</sup> McCall pronounced the bill 'the most important piece of legislation passed by parliament for many years'.<sup>150</sup>

The result was the *Local Government Act* 1906. It is important to note that the bill consolidated only the bodies or machinery of local government in the State, not the law. The new councils would still have to refer to the various statutes governing each distinct local authority that had arisen during the permissive stage. The Act appointed five commissioners to divide the State into no more than sixty municipalities, with each municipality to be further sub-divided into three to five wards. Each ward was to have, where practicable, an equal rateable area.<sup>151</sup>

Every municipality was to be governed by a council, consisting of nine to fifteen members, with each ward to elect three councillors each. Councillors would serve a three year term, and no councillor could represent more than one ward. Every eligible elector of the municipality who was a resident or had a place of business within the municipality was able to sit as a councillor, except for contractors or employees of the council,

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<sup>148</sup> *Mercury*, 17 October 1906.

<sup>149</sup> *Mercury*, 1 November 1906.

<sup>150</sup> *NWA*, 10 November 1906.

<sup>151</sup> *Local Government Act* 1906.

convicted felons, bankrupts and the insane. Elections would be held on the fourth Thursday of each April. Every male or female, over twenty-one years, who held property in the municipality was able to vote in elections. Plural voting was still operational, the scale of voting being under £30 1 vote; £30 – £79 2 votes; £80 – £159 3 votes; £160 – £239 4 votes; £240 – £359 5 votes; £360 + 6 votes. No person was able to exercise more than six votes across all wards of the municipality.

Councillors were annually to elect a warden and deputy-warden and appoint a council-clerk and other officials, such as treasurer, engineer, solicitor, surveyor, poundkeeper, inspector or collector. The warden would *ex-officio* become a Justice of the Peace and every municipality would be a district for the purpose of holding a court of General and Quarter sessions. Councils were able to appoint standing committees to handle municipal business, and could appoint local committees to oversee works in one particular portion of the municipality.

The new councils were to exercise all the powers and responsibilities entrusted to rural municipalities, road trusts, main road boards, public recreation trusts, cemetery trusts, water trusts, local boards of health, boards of advice, town boards and fruit boards. They were also able to draft and enforce by-laws in such areas as animal control, building construction, fees, licences, markets, noxious weeds, pests, public safety and public decency, footpaths, tolls, trades and callings, traffic, wharves, piers and jetties. They were able to join with other municipalities for works of common interest, such as water supply, sewerage and rabbit-proof fencing.

Municipal revenue would come from three sources — rates, grants-in-aid and loans. Councils would be obliged to levy a general rate each year, including an annual road rate



of no more than 6d. Of all the road revenue raised by each ward of the municipality, three-fifths of it had to be spent by the council in that ward. Councils could also levy health and cleansing rates for rubbish disposal, but a general rate each year could not exceed 1s 3d. In order to facilitate the construction and maintenance of water, sewerage or lighting works councils were able to raise loans and strike a special rate for their repayment. Special rates could apply to the whole municipality or just to a specific part of it, rectifying a problem that had hampered rural municipalities from carrying out town improvements in the past. Each council must keep a minute book, and publish all their accounts annually.

A comparison of the Tasmanian Act with other Acts introducing comprehensive municipal government on the mainland States is pertinent. Similar powers and responsibilities were designated to municipal councils in all the Acts. Victoria's *Local Government Act* 1874, for instance, placed responsibility for the maintenance of streets, roads, bridges, culverts and jetties; the provision of sewers and drains, lighting, water supply, public baths, slaughter-houses and places of recreation in the hands of municipal councils.<sup>152</sup> The only major differences occurred with the machinery and the number and means of electing councillors. Some States, such as Victoria and New South Wales, found it convenient to separate their municipalities into rural (shires) and urban (boroughs) groups, each with different franchises and method of electing councillors.<sup>153</sup> In Western Australia, the number of councillors for each municipality depended upon its population. A municipality with a population under 1000 received six members; between 1000 and 5000 nine councillors; and those municipalities with over 5000 persons were

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<sup>152</sup> *Local Government Act* 1874.

<sup>153</sup> [New South Wales] *Local Government Act* 1906; [Victoria] *Local Government Act* 1874.

allowed more than nine members.<sup>154</sup> All States introduced the ward system for elections and allocation of funds, Western Australia and Victoria electing three members for each ward, South Australia two. Plural voting was adopted for municipal elections in most States, except South Australia, Tasmania having the most generous scale of voting in the Commonwealth. In Western Australia the maximum number of votes able to be exercised was two, in Victoria three.<sup>155</sup> In passing the *Local Government Act* 1906 Tasmania was, in most instances, falling into line with the mode of local government employed in other States.

The next task was drafting the new municipal districts. The government appointed a commission, headed by the Surveyor-General E. A. Counsel, along with the parliamentarians John Hope, Arthur Morrisby, and B. S. Bird as well as the former parliamentarian Carmichael Lyne.<sup>156</sup> The *Advocate* noted that they had ‘not an easy task by any means’.<sup>157</sup>

Yet the task, while time-consuming, was accomplished without much opposition.<sup>158</sup> This was due to the commissioners’ decision to avoid the trouble that would have arisen from creating large municipal districts, such as those proposed under the earlier Piesse and Lewis local government bills. The commissioners largely acquiesced to the localism existing in the State, establishing comparatively small municipal districts that coincided with local ‘community of interests’. They were assisted also by the introduction of the ward system. This allowed them to accommodate local rivalries between neighbouring

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<sup>154</sup> *Municipal Institutions Act* 1895.

<sup>155</sup> *Municipal Institutions Act* 1895; *Local Government Act* 1874.

<sup>156</sup> Note from Minister of Lands and Works Alexander Hean, 20 December 1906, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/1).

<sup>157</sup> NWA, 19 December 1906.

<sup>158</sup> Gilbert, *The Transition and Transformation of Local Government in Tasmania*, p37.

districts while creating municipalities with enough annual value to carry out useful works.

The commissioners spent the first three months of 1907 touring the State, talking to local bodies about potential municipal and ward boundaries.<sup>159</sup> They had little trouble with nineteen rural municipalities. Some minor adjustments to existing municipal boundaries were made,<sup>160</sup> with the only problems arising over ward boundaries.<sup>161</sup> In some municipalities, such as Deloraine, Evandale, Oatlands and Westbury, existing road trusts wanted to become wards in the new municipality thus ensuring that outlying districts would not be ignored. This was opposed by members of the councils who argued that it would result in a disparity of rateable annual value, tending to impoverish outlying areas anyway. They insisted, and succeeded, in dividing the municipalities in a way that would produce wards of equal rateable value.<sup>162</sup>

The commissioners had little difficulty in merging different road trusts together to form a new municipality. Examples include the joining of the Tankerville, Dorset, Turners Marsh and Lisle Road Trusts to form a new Lilydale municipality;<sup>163</sup> the combining of the Ringarooma and Boobyalla Road Trusts to form a new Ringarooma municipality;<sup>164</sup> and the merger of the George Town and Saltwood Road Trust to form a

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<sup>159</sup> See Local Government Act 1906: Minutes of Commission, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/6).

<sup>160</sup> See [Glamorgan and Campbell Town] *Mercury*, 16 March 1907; [Richmond] *Mercury*, 19 March 1907; [Longford] *Examiner*, 8 February 1907.

<sup>161</sup> See AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/1-3,5)

<sup>162</sup> See [Deloraine] *Examiner*, 8 February 1907, 17 May 1907, 25 May 1907; [Evandale] *Examiner* 12 February 1907; [Westbury] *Examiner*, 21 February 1907, 22 May 1907, 25 September 1907; [Oatlands] *DT*, 22 March 1907, 1 April 1907, 15 April 1907.

<sup>163</sup> *Examiner*, 25 February 1907; Lilydale Municipality File, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/4)

<sup>164</sup> *Examiner*, 28 February 1907; Ringarooma Municipality File, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/2).

new George Town municipality.<sup>165</sup> Here the commissioners were aided by the ward system, which enabled road trusts to keep their existing boundaries and become wards in new municipalities. This diminished the anxiety of neglect and exploitation that had led to a distinguishing feature of the road trust system — the continual sub-division of existing bodies into smaller units to protect local interests.

The only local body that created headaches were the town boards, the majority of which did not wish to come under the Act.<sup>166</sup> The reason why was simple. Town boards feared that if they were incorporated into the *Local Government Act* they would be forced into embracing rural areas. Country residents would have different interests to those who lived in the towns, and would oppose expensive town improvements such as water supply, sewerage and lighting. Consequently, most of the town boards initially told the commission they wanted their existing town board boundaries to become their new municipal boundaries. This proposal was rejected by the commissioners, who told members of town boards they would have to take in rural districts.

Some town boards, those on the West Coast,<sup>167</sup> Stanley,<sup>168</sup> Scottsdale<sup>169</sup> and Beaconsfield<sup>170</sup> for example, grudgingly agreed. Others were not so accommodating. The Burnie Town Board balked at a proposal for it to join a municipality comprising

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<sup>165</sup> *DT*, 17 July 1907; George Town Municipality File, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/4).

<sup>166</sup> See *Examiner*, 6 September 1906.

<sup>167</sup> *ZDH*, 4 February 1907, 11 March 1907; *DT*, 2 February 1907; Gormanston, Queenstown, Waratah Municipality Files, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/4).

<sup>168</sup> *Circular Head Chronicle*, 16 January 1907; Circular Head Municipality File, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/4).

<sup>169</sup> *DT*, 25 February 1907.

<sup>170</sup> *Examiner*, 7 February 1907; Beaconsfield Municipality File, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/3).

Penguin, Yolla and the River Cam districts.<sup>171</sup> Eventually, it settled on a smaller area comprising just the territory looked after by the Emu Bay Road Trust.<sup>172</sup> Even then conflict arose over the number of wards in the new municipality. Country members wanted two town wards and three country wards, giving country councillors' dominance in the new council. Town residents wanted equal representation, two wards each. The commissioners upheld this latter proposal.<sup>173</sup> Disputes over territory, ward boundaries and country representation were also present in the establishment of the Ulverstone and Latrobe municipalities.<sup>174</sup>

The most strident opposition to the commissioners was seen at Devonport.<sup>175</sup> The dispute, which would carry on throughout 1908, has been covered in great detail elsewhere.<sup>176</sup> The Devonport Town Board was adamant that its existing boundaries should become the new municipal boundaries, and opposed the commissioners decision to create a Devonport municipality with a country ward at Don. The board first attempted to have the Act suspended, then strove to have the boundaries altered.<sup>177</sup> The Devonport opposition, combined with a campaign to postpone for twelve months the introduction of the Act by the North Esk Road Trust,<sup>178</sup> led to the government delaying

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<sup>171</sup> *Examiner*, 15 January 1907.

<sup>172</sup> Burnie Municipality File, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/6).

<sup>173</sup> *Examiner*, 7 May 1907.

<sup>174</sup> [Ulverstone] *NWP*, 16 January 1907; [Latrobe] *NWP*, 14 January 1907, 18 January 1907, 21 May 1907.

<sup>175</sup> Devonport Municipality File, *AOT*, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/2)

<sup>176</sup> See Rootes, 'Local Government Reform in Tasmania 1906-1939', pp. 88-98.

<sup>177</sup> *ibid.*

<sup>178</sup> *Examiner*, 2 July 1907.

first elections for the new councils. Instead of September, the new councils would begin work from the first of January 1908.<sup>179</sup>

The government still hoped that boards contiguous to Hobart and Launceston would join the “Greater” schemes. But almost all the boards concerned were reticent, fearing higher rates and neglect.<sup>180</sup> Most wanted to become municipalities with their present boundaries, but they were told by the commissioners that they would have to combine with neighbouring districts. Eventually, Invermay and Trevallyn joined with portions of existing road trusts to form a new municipality;<sup>181</sup> Queenborough joined with Wellington;<sup>182</sup> and Glebe combined with New Town and Mount Stuart.<sup>183</sup> In a wise move, the commissioners shaped these municipalities so they could be easily absorbed into the Launceston and Hobart City boundaries in the future.<sup>184</sup> The Moonah Town Board, on the other hand, joined the Glenorchy Municipal Council.<sup>185</sup> As the Council was responsible for supplying Moonah with water, the Town Board felt it had a greater community of interest with Glenorchy than with New Town, Mount Stuart and Glebe.<sup>186</sup>

The commissioners’ report was presented to parliament in mid-September.<sup>187</sup> They had divided the State into fifty municipalities (see appendix III). Excluding the nineteen

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<sup>179</sup> *Mercury*, 20 July 1907.

<sup>180</sup> *Mercury*, 11 September 1906, 18 September 1906, 1 February 1907, 20 February 1907.

<sup>181</sup> *Examiner*, 2 March 1907, 26 May 1907, 5 August 1907; Invermay Municipality File, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/3).

<sup>182</sup> *Mercury*, 1 February 1907, 20 February 1907; Queenborough Municipality File, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/1).

<sup>183</sup> *Mercury*, 31 January 1907, 6 February 1907.

<sup>184</sup> The Invermay municipality joined the Launceston Municipal Council in 1909; the Queenborough and New Town municipalities would join the Hobart City Council in 1914 and 1919 respectively.

<sup>185</sup> Glenorchy Municipality File, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/2).

<sup>186</sup> *Mercury*, 5 February 1907, 12 April 1907, 19 July 1907.

<sup>187</sup> See draft copy of commission report, AOT, Local Government Commission: Minutes and Associated Papers (Ref: CB 56/1).

existing rural municipalities, there were five new municipalities on the West Coast,<sup>188</sup> eight on the North West,<sup>189</sup> three in the North,<sup>190</sup> five in the North-East,<sup>191</sup> two in the South,<sup>192</sup> six in the Far South,<sup>193</sup> and one each for Flinders and King Island. Given that the aim of the Piesse and Lewis proposals was to create municipalities with a minimum of £20,000 annual value, an amount deemed necessary to ensure the financial viability of the new councils, it is interesting to note the expected annual values of those councils under the *Local Government Act*:

**Table: 8.1 Annual Values of Municipal Councils under the Local Government Act 1906**

Annual Value (£)	Number of Municipal Councils
≤ £10,000	11
£10,000 – £20,000	18
£20,000 – £30,000	13
£30,000 – £40,000	7
£40,000 +	1

Source: ‘Local Government Boundaries: report on the sub-division of the state of Tasmania into districts’, *JPPP(Tas.)*, 1907, paper no. 24 pp 9-10.

<sup>188</sup> Strahan, Gormanston, Queenstown, Zeehan and Waratah.  
<sup>189</sup> Circular Head, Table Cape, Emu Bay, Penguin, Leven, Devonport, Kentish and Latrobe.  
<sup>190</sup> Beaconsfield, Invermay and St. Leonards.  
<sup>191</sup> George Town, Lilydale, Scottsdale, Ringarooma and Portland.  
<sup>192</sup> New Town and Queenborough.  
<sup>193</sup> Tasman, Kingsborough, Bruni, Huon, Port Cygnet and Esperance.

Just over half of the new municipalities would have a total annual value of below £20,000, remarkable given the increased financial burdens councils were expected to bear in the future. Of the twenty-nine new councils with an annual value under £20,000 twenty had been created by the commission. Close to half of these small councils had been established in the Far South and North-West, regions that had a long history of local rivalries that produced a number of small local bodies under the permissive system. The commissioners clearly had decided to favour the ‘community of interest’ principle over financial considerations when drafting the new municipal boundaries.<sup>194</sup>

The report of the commissioners, therefore, was the climax of a forty-year movement to abolish the permissive system of local government in Tasmania and introduce comprehensive municipal government. After the centralization of police in 1898 the only obstacle left in the path of reform was to draft a bill acceptable to parliament and local bodies. Learning from the experience of the failed Piesse and Lewis bills, which had sought to introduce large municipalities with little consultation with local bodies, the Propsting government undertook a new approach. Two conferences were held with local bodies in 1904 to lay down the principles of an acceptable bill of local government reform. Chief among these was that municipal districts were not to be too large, preferably coinciding with local ‘community of interests’. Secondly, to allay fears of outlying and sparsely-settled districts that they would be ignored and neglected in larger municipalities, the ward system for voting and allocating funds was confirmed.

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<sup>194</sup> Petitions wanting alterations in ward boundaries or a portion of one municipality to be transferred to another continued until 1909, see *AOT*, Local Government Commission: Petitions under Local Government Act 1908-9 (Ref: CB 62/1).



While the Propsting government laid the groundwork for a new local government bill, it fell to the government of J. W. Evans, looking to increase settlement in rural parts of the State, to present the bill to parliament in 1906. Success with the bill was aided by placing it in the hands of a private member of parliament, making it a 'non-party' measure less susceptible to partisan politics. The House of Assembly was also willing to make concessions over key provisions with the Legislative Council that had threatened to stall progress on the bill, such as the inclusion of all town boards in the bill and the re-affirmation of plural voting. An independent boundaries commission was then appointed to draft new municipal districts.

By establishing fifty municipalities, however, accommodating the localism so prevalent in the State at that period, had the commissioners unwittingly hampered the new system before it had already begun? The reason behind the push for comprehensive municipal government was to place additional duties such as roads, pest control and public works upon the shoulders of municipal councils. But if the new councils did not have the financial resources fully and adequately to carry out these tasks then the object of reform was frustrated. In its desire for comprehensive municipal reform had the government conceded too much to local bodies, perpetuating a predominant flaw of the permissive system, namely the existence of local bodies unable to carry out works it desired because of financial constraints?

The government and a majority of the press thought not.<sup>195</sup> The *Daily Telegraph* declared 'much is expected from the new local government, and strong municipal councils, possessing extensive powers, should be a valuable and serviceable acquisition

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<sup>195</sup> NWA, 24 June 1907, 25 June 1907; *Mercury*, 19 December 1907.

to the country districts'.<sup>196</sup> Residents had nothing to fear from the new arrangement, as 'it is simply designed to make local government in this State more of a reality than it hitherto has been, and to extend its benefits to all parts of the island'.<sup>197</sup> The *Examiner* too proclaimed:

Under the new system...there will be greater concentration of effort, and the community of interests in a municipality will be more fully recognized. When interests are split up into small sections the outlook of the individual becomes contracted and cramped. The affairs of those outside his own narrow boundary are no concern of his, and we welcome the larger districts because they will extend the horizons of the members of the new municipalities and give greater scope for united effort.<sup>198</sup>

In the midst of the first elections for the new councils in December 1907, the *Zeehan and Dundas Herald* noted that 'local government will, in the course of a few days, enter upon a new phase, and one which will mark an important epoch in the history of Tasmania. It is the first step towards complete decentralization and in the progress of time each municipality will, so far as its own domestic affairs, become, as it were, a miniature State'.<sup>199</sup> While there was some apprehension in those areas that had not previously experienced municipal government, a majority of the public welcomed the new arrangement.<sup>200</sup> The permissive system of local government, which had existed for nearly fifty-years, came to an end on 1 January 1908. A new era of comprehensive municipal government had begun.

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<sup>196</sup> *DT*, 5 January 1907.

<sup>197</sup> *DT*, 22 June 1907.

<sup>198</sup> *Examiner*, 19 December 1907.

<sup>199</sup> *ZDH*, 6 December 1907.

<sup>200</sup> *ZDH*, 3 January 1908; *Examiner*, 31 December 1907.

## Conclusion

At the beginning of this thesis, reflecting upon the neglect of local government history in Tasmanian historiography, a question was posed: how important has local government been in Tasmanian history, and has it played an essential, peripheral or negligible role in the State's development? The purpose of this thesis was to attempt to answer this question by examining a significant period of the State's history, the first fifty years of responsible government from the 1850s, and determine the contribution made by local authorities to the settlement and political culture of Tasmania during this time. To assist in this endeavour the thesis was broken into three sections, with each section dealing with one broad question concerning the evolution of local government in the colonial period.

The first section, consisting of two chapters, examined why the permissive system of local government was introduced into Tasmania and what was expected of it. The section argued that decentralization was much desired when discussions were held in the 1840s and early 1850s regarding the best form of government for the future free, independent colonies of Australia. Decentralization was wanted by different groups for different reasons. For conservatives, decentralization was important to check the influence of a democratically elected legislative body, and municipal institutions were part of a broader scheme of strong upper houses and plural voting designed to put obstacles in front of the popular will of the people. For liberals, decentralization was a response to the autocratic excesses of the convict period, and would help foster some of the attributes vital for successful responsible government, such as liberty, independence and self-reliance.

Local government was considered a crucial component in any scheme of decentralization. British authorities had introduced local institutions into the colonies in the 1840s to encourage settlers to bear a greater financial burden for local works, and ease the fiscal problems that confronted colonial governments. Effectively forced upon the population, these local bodies had a troubled early history, were met with antipathy or apathy from local colonists, and either achieved little or were soon disbanded.

In response, the British had to abandon plans to impose local government upon the colonies, and adopt a more voluntary, *ad-hoc* — permissive — system. The new system was based upon four tenets — that control of municipal government was to be put in the hands of colonial legislatures; that the Governor would have discretion in proclaiming new municipal councils; that generous government aid should be available to help fledgling municipal bodies onto their feet; and that different local authorities could be created to suit Australian conditions. Curiously, by vesting local government in the hands of colonial legislatures, the British left decentralization in the hands of the central government. Fortunately, in Tasmania at least, decentralization was very much desired. The permissive system of local government was expected to be a cheap, efficient method of delivering works and services to a fledgling, unevenly developing colony.

The second section of this thesis then dealt with how the permissive system actually worked and evolved. The section was split into four chapters, each dealing with the most important local bodies of the permissive system — rural municipalities, road trusts, fruit boards, rabbit trusts, and town boards. The section argued that within the period examined each of these local bodies had their problems. The nineteen rural municipalities, for instance, were initially given two main tasks for

fulfil — the management of local police and the completion of public works of a local nature. For much of their history the rural municipalities focused on the first task, with some criticism of their performance, to the detriment of the latter task. Expected to be more active in carrying out public works from the 1880s, a slim majority of the rural municipalities were not. Other local bodies in the permissive system similarly underperformed. The road trust system, put in charge of maintaining cross and bye roads around the island, was by the early 1900s failing to carry out this task. The numerous boards and trusts created to deal with the problem of codlin moths and rabbits failed to achieve a diminution of either pest. Lastly, the town board system, while carrying out useful works, was hampered from reaching its full potential by large debts and limited finances.

The thesis showed that by the turn of the century the permissive system of local government was under severe strain. Can it be argued that the permissive system lived up to the expectations of those who had introduced it in the 1850s, by providing a cheap, efficient means of providing local works and services? Certainly the system was cheap. Members of local bodies strove to keep expenditure at a minimum and usually raised just enough revenue to cover existing obligations. This was due partly to the largest ratepayers of the district often sitting on local boards, who had an interest in keeping rates, and their own contribution, as low as necessary. There was also a significant aversion to higher local taxation, and settlers at times pressurised their local representatives to be as thrifty as possible.

Was the permissive system, however, efficient and effective in delivering local works and services? Here, the record of many local bodies is open to criticism. The desire for cheap local government naturally affected the outcomes of local bodies. Unwilling, or unable, to raise enough revenue to complete substantial works, the

achievements of the permissive system were modest. Granted, the municipal councils looked after police for over forty years; town boards completed numerous town improvements such as sewerage, drainage, lighting and water supply; and road trusts did their best to maintain roads often in difficult circumstances. But the complaints about the behaviour of police, poor state of roads, continual increase in the number of rabbits and codlin moth, and lack of suitable infrastructure were common and constant throughout the history of the permissive system. The system was deemed satisfactory in the 1860s and 1870s, when the emphasis was on creating and spreading local institutions throughout the colony. But when there was a shift in the 1880s to an emphasis on outcomes the permissive system faltered badly. It was a case of having too many small local bodies with limited financial resources to achieve the outcomes desired.

Reform was therefore necessary, and the third section of the thesis dealt with the issue of why the permissive system was abolished and replaced by comprehensive municipal government. Split into two chapters, this section argued that numerous reforms were attempted to fix the ailing permissive system, such as local financial responsibility and liberalizing the franchise. While the latter reform led to some improvements, forcing local bodies to rely on their own revenue, in a time of great economic distress, merely exposed the weaknesses and flaws of the permissive system. With local government failing, the central government had the opportunity at the turn of the century to take over the responsibilities that had long been handled by local authorities. Centralization, however, was not an option for most of the political class in the State. Federation, curtailing the revenue of the central government, made increased public spending undesirable, and most still strongly believed in the benefits that a flourishing system of local government would bring to the State.

As solutions to the malaise that confronted Tasmanian local government were considered, the most attractive reform was to vest all local responsibilities in the largest local body of the island — the municipal council. Only large municipalities had the population and financial resources to carry out all the tasks that the central government was looking to hand over to them. Problems, however, remained. There were only nineteen rural municipalities in rural Tasmania, existing in the corridor of flat plains between Hobart and Launceston. If the plan was to place all responsibility for local affairs to municipal councils, one had to ensure that municipal councils were established throughout the island. The permissive system, in other words, had to give way to comprehensive municipal government. But there were obstacles to comprehensive municipal reform. Settlers in non-municipal districts resisted municipal government so long as councils controlled police, and there was considerable anxiety over municipal boundaries and their consequence for the development of towns and outlying districts. Overcoming these obstacles was a long and difficult struggle, but ultimately successful with the passing of the *Local Government Act* 1906. From January 1908 the three-hundred plus number of local bodies of the permissive system were replaced by forty-nine municipal councils.

Still, the question remains, how important was local government in this period of Tasmanian history, and did it play an essential, peripheral or negligible role in the State's development? This thesis has shown that local government was given an important role in the period after responsible government had been granted to the colony in the 1850s. Decentralization was widely wanted and local government was considered essential in ensuring that decentralization was a success. Local bodies were responsible for many significant tasks such as police management, road maintenance, public works, town improvements and pest eradication. The record of

the local bodies in actually carrying out these works and services, however, was modest, for a variety of reasons, the main ones being limited finances and often a lack of inclination to carry out works.

At the turn of the century, when the permissive system was failing, the central government had the option of taking over responsibilities given to local bodies. As an indication of the importance it placed on the value of local government, it chose not to. The central government instead pushed for an overhaul of local government to improve its performance and boost its esteem, the result being comprehensive municipal reform. Therefore, in the period under investigation, while local government was designated an important role in Tasmanian society, its actual record prevents one from concluding that it played an essential or predominant role in Tasmanian development. But its role was not, on the other hand, negligible. Rather it had a prominent, if not always totally effective, part in transforming Tasmania from an authoritarian penal society of the 1850s to a functioning, increasingly democratic, State of the Commonwealth by 1906.

The neglect then of Tasmanian local government history has also been unfortunate and unwarranted. The introduction noted how ‘no definitive text on Tasmanian local government’ existed.<sup>1</sup> This thesis hopefully will go some way to addressing that problem. Prior to this study there existed no comprehensive overview or account of local government in Tasmania during the nineteenth century. Previous accounts had either been brief and unsatisfactory, or concentrated on one local body only with little comparison made with similar bodies in the era. Historians had been aware that the permissive system consisted of numerous local bodies, but had no real idea of what

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<sup>1</sup> D. Heard, R. J. K. Chapman, ‘A Bibliography of Literature on Tasmanian Politics and Government’, *Politics*, 9 special supplement, p. 22.



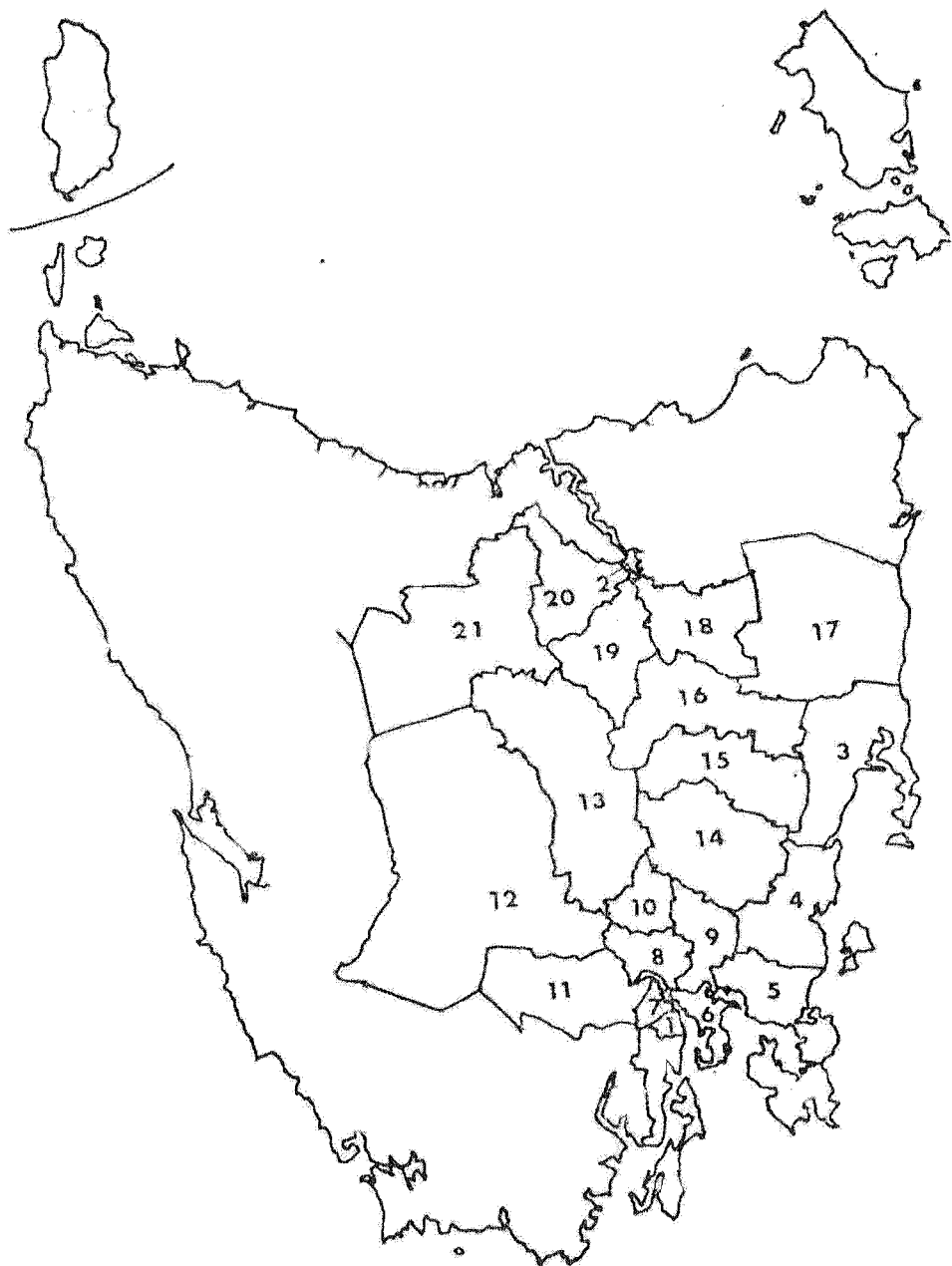
they did, when, and how well they did it. This thesis aimed to shed some light on the activities of these bodies.

One major limitation of the study is a lack of comparison of the Tasmanian experience with similar forms of local government on the mainland colonies. This was mainly due to a lack of space, limited research time, and the absence of suitable secondary material on the local government history of mainland colonies — with the exception of New South Wales. Given that so little had been written on Tasmanian local government history during the nineteenth century, this thesis aimed to be as comprehensive and thorough as possible. Still, now that a basic outline of Tasmanian local government history is available, this thesis might encourage other researchers to conduct a more comparative study of local government of the various colonies during the colonial period.

Furthermore, as this thesis is a work of administrative history, concerned broadly with the relationship between central and local government and the best means of solving various administrative problems, there is room for other analyses of local government during this period. Local historians could investigate individual bodies and compare their experience with the general history provided to see if it confirms or refutes the argument of the author. Feminist historians have no doubt noticed that women were invisible for a considerable portion of Tasmania's local government history. More research too needs to be done to uncover the common characteristics of those men who sat on local bodies, and how this affected local rule, as well as voting patterns in local elections. The role of civic institutions in local politics, such as progress and improvement associations and chambers of commerce is another undeveloped area of research. A comparative and comprehensive account of the history of marine boards in the State is also badly needed. Rather than provide a

‘definitive’ account of Tasmanian local government history, therefore, this thesis will, hopefully, provoke further interest and research in the area.

Map 1: Rural Municipalities 1860-1907



Formed in:

- 1860**  
3. Glamorgan  
4. Spring Bay  
6. Clarence

- 1861**  
9. Richmond  
14. Oatlands

- 1862**  
19. Longford  
10. Green Ponds  
5. Sorell  
13. Bothwell  
15. Ross

- 1863**  
17. Fingal  
11. New Norfolk  
12. Hamilton  
8. Brighton

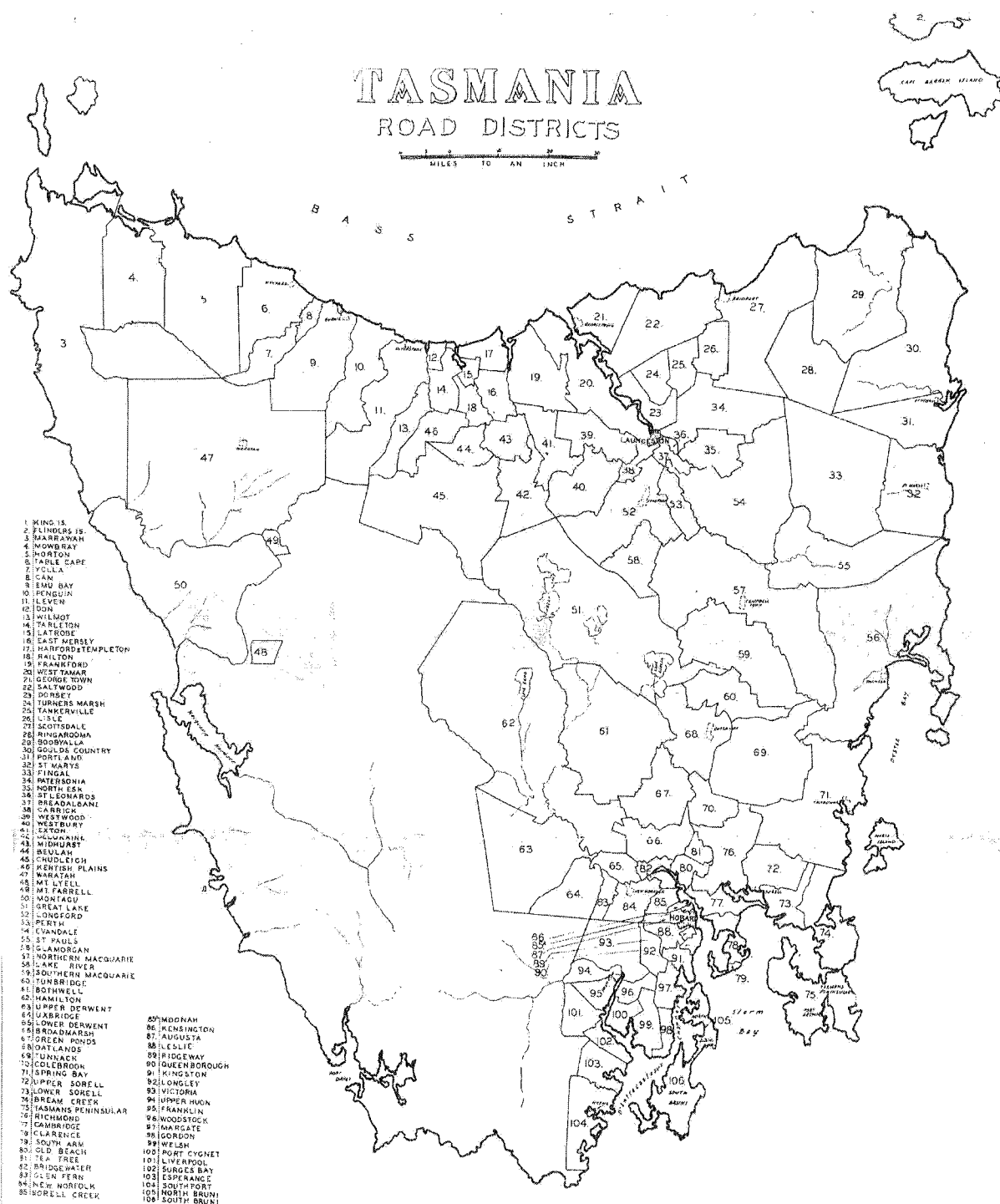
20. Westbury  
21. Deloraine

- 1864**  
7. Glenorchy

- 1865**  
18. Evandale

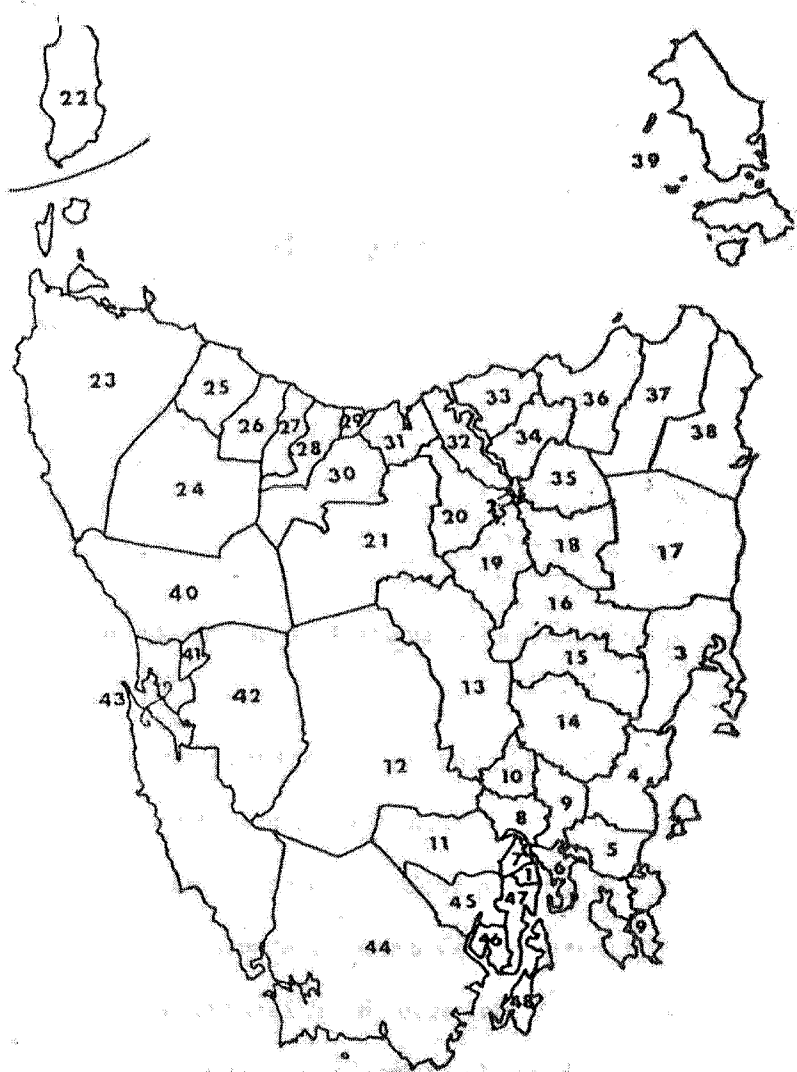
- 1866**  
16. Campbell Town

Map 2: Tasmanian Road Districts 1906



Source: K. R. Von Stieglitz, *A History of Local Government in Tasmania: from the earliest settlement of Van Diemen's Land to the present time* (Hobart 1958)

Map 3: Tasmanian Rural Municipalities 1908



MAP 9. MUNICIPALITIES.

KEY

Municipalised 1852

- 1. Hobart
- 2. Launceston

Municipalised 1860-66

- 3. Glamorgan
- 4. Spring Bay
- 5. Sorell
- 6. Clarence
- 7. Glenorchy
- 8. Brighton

9. Richmond

- 10. Green Ponds
- 11. New Norfolk
- 12. Hamilton
- 13. Bothwell
- 14. Oatlands
- 15. Ross
- 16. Campbell Town
- 17. Fingal
- 18. Evandale
- 19. Longford
- 20. Westbury
- 21. Deloraine

Municipalised 1907

- 22. King Island
- 23. Circular Head
- 24. Waratah
- 25. Wynyard
- 26. Burnie
- 27. Penguin
- 28. Ulverstone
- 29. Devonport
- 30. Kentish
- 31. Latrobe
- 32. Beaconsfield
- 33. George Town
- 34. Lilydale

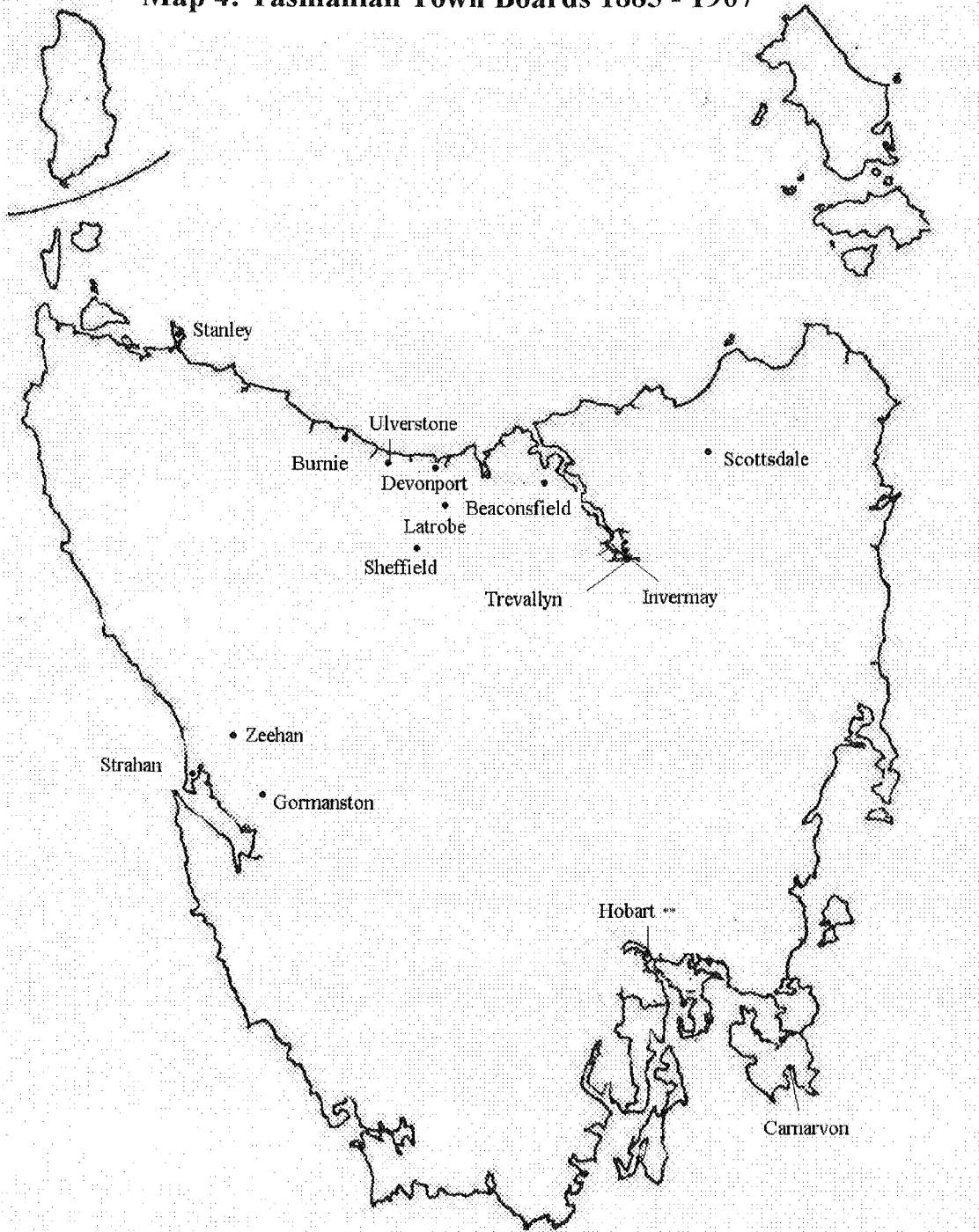
- 35. St Leonards
- 36. Scottsdale
- 37. Ringarooma
- 38. Portland
- 39. Flinders
- 40. Zeehan
- 41. Queenstown
- 42. Gormanston
- 43. Strahan
- 44. Esperance
- 45. Huon
- 46. Port Cygnet
- 47. Kingborough
- 48. Bruny
- 49. Tasman

Excludes the New Town, Queenborough and Invermay municipalities that merged with Hobart and Launceston by 1919

Source: R. L. Wettenhall, *A Guide to Tasmanian Administration* (Hobart 1968) p315

Appendix IV

Map 4: Tasmanian Town Boards 1885 - 1907



\*\* Town Boards Located in Hobart:

Bellerive Beltana Moonah Glebe Queenborough Mount Stuart Wellington Hamlets New Town

*Premiers of Tasmania 1856 - 1909*

<b>Premier</b>	<b>Term</b>
<b>CHAMP</b> , William T.	1 Nov 1856 - 26 Feb 1857
<b>GREGSON</b> , Thomas G.	26 Feb 1857 - 25 Apr 1857
<b>WESTON</b> , William P. (MLC)	25 Apr 1857 - 12 May 1857
<b>SMITH</b> , Sir Francis	12 May 1857 - 1 Nov 1860
<b>WESTON</b> , William P. (MLC)	1 Nov 1860 - 2 Aug 1861
<b>CHAPMAN</b> , Thomas D.	2 Aug 1861 - 20 Jan 1863
<b>WHYTE</b> , James (MLC)	20 Jan 1863 - 24 Nov 1866
<b>DRY</b> , Sir Richard (MLC)	24 Nov 1866 - 4 Aug 1869
<b>WILSON</b> , Sir James (MLC)	4 Aug 1869 - 4 Nov 1872
<b>INNES</b> , Frederick M.	4 Nov 1872 - 4 Aug 1873
<b>KENNERLEY</b> , A. (MLC)	4 Aug 1873 - 20 Apr 1876
<b>REIBEY</b> , Thomas	20 Jul 1876 - 9 Aug 1877
<b>FYSH</b> , Sir Philip	9 Aug 1877 - 5 Mar 1878
<b>GIBLIN</b> , William R.	5 Mar 1878 - 20 Dec 1878
<b>CROWTHER</b> , William (MLC)	20 Dec 1878 - 29 Oct 1879
<b>GIBLIN</b> , William R.	30 Oct 1879 - 15 Aug 1884
<b>DOUGLAS</b> , Adye (MLC)	15 Aug 1884 - 8 Mar 1886
<b>AGNEW</b> , Sir James (MLC)	8 Mar 1886 - 29 Mar 1887
<b>FYSH</b> , Sir Philip (MLC)	30 Mar 1887 - 17 Aug 1892
<b>DOBSON</b> , Henry	17 Aug 1892 - 14 Apr 1894
<b>BRADDON</b> , Sir Edward	14 Apr 1894 - 12 Oct 1899
<b>LEWIS</b> , Sir Neil	12 Oct 1899 - 8 Apr 1903
<b>PROPSTING</b> , William B.	9 Apr 1903 - 11 Jul 1904
<b>EVANS</b> , Sir John	12 Jul 1904 - 19 June 1909

*Rural Municipalities 1860 – 1907*

<b>Municipality</b>	<b>Proclaimed</b> (in Hobart Gazette)
Bothwell	23 December 1862
Brighton	6 October 1863
Campbell Town	7 August 1866
Clarence	9 October 1860
Deloraine	3 November 1863
Evandale	10 October 1865
Fingal	6 January 1863
Glamorgan	24 January 1860
Glenorchy	5 April 1864
Green Ponds	11 March 1862
Hamilton	25 August 1863
Longford	28 January 1862
New Norfolk	17 February 1863
Oatlands	3 December 1861
Richmond	11 June 1861
Ross	30 December 1862
Sorell	27 May 1862
Spring Bay	11 September 1860
Westbury	3 November 1863



*Town Boards 1885 – 1907*

<b>Town Board</b>	<b>Proclaimed</b> (in Hobart Gazette)
Beaconsfield	3 August 1897
Bellerive	17 May 1892
Beltana (later Lindisfarne)	6 November 1894
Burnie	17 May 1898
Carnarvon	23 July 1889
Devonport	6 January 1890
Dundas	2 August 1892
Ellesmere (later Scottsdale)	22 March 1887
Formby	15 May 1888
Glebe	14 July 1885
Gormanston	10 January 1899
Invermay	17 September 1895
Latrobe	3 November 1903
Moonah	28 November 1899
Mount Stuart	7 July 1891
New Town	17 May 1892
Queenborough	17 May 1892
Queenstown	25 May 1897
Sheffield	12 November 1889
Stanley	3 November 1903
Strahan	17 June 1890
Trevallyn	14 December 1886
Ulverstone	22 May 1888
Wellington Hamlets	12 May 1903
Zeehan	19 July 1892

*Road Trusts 1852 – 1907*

<b>Road Trust</b>	<b>Proclaimed</b> (in Hobart Gazette)
Augusta	1 Oct 1856
Austin's Ferry	1 Aug 1893
Bagdad	22 Sep 1896
Beulah	21 Oct 1890
Boobyalla	8 Jun 1886
Bothwell	18 Aug 1852
Breadalbane	1852
Bream Creek	2 Nov 1874
Broadmarsh	29 August 1854
Brown's River	8 Nov 1852
Brown's River (2)	26 Sep 1881
Brown's River and Sandy Bay Rivulet	4 Sep 1871
Cam	3 Jul 1894
Cambridge	29 May 1855
Cambridge (2)	30 Dec 1867
Carnarvon	1889
Carrick	10 Mar 1857
Chudleigh	18 Aug 1852
Clarence	5 Oct 1860
Clarence Plains	18 Aug 1852
Colebrook	4 Mar 1902
Deloraine	1 Apr 1856
Devon	18 Aug 1852
Don	6 Nov 1871
Dorset	18 Aug 1852
East Mersey	11 Oct 1864
Emu Bay	24 Nov 1857
Esperance	12 Feb 1856
Esperance (2)	20 Nov 1882
Esperance and Southport	3 Jun 1872

Exton	24 Nov 1857
Evandale	18 Aug 1852
Fingal	25 Jun 1883
Flinder's Island	24 Feb 1903
Forth	6 Nov 1871
Franklin	9 Jul 1897
Frankford	28 Oct 1884
George Town	24 Feb 1857
Glamorgan and Cornwall	18 Aug 1852
Glebe	2 Jun 1885
Glen Fern	16 Aug 1887
Gordon	6 Feb 1856
Great Lake	7 Oct 1852
Green Ponds	1862
Hamilton	1852
Harford and Templeton	11 Oct 1869
Horton	22 Apr 1853
Honeywood	12 Feb 1856
Huon	1852
Jerusalem	6 May 1878
Kensington	7 Oct 1856
Kentish Plains	10 Oct 1864
King Island	27 May 1898
Kingston	9 Aug 1880
Kingston (2)	30 Nov 1897
Leslie	18 Feb 1867
Leslie (2)	8 Sep 1891
Leven	27 May 1867
Leven (2)	30 Aug 1898
Liverpool	15 Jul 1867
Latrobe	13 Sep 1875
Longford	18 Aug 1852
Longley	23 Feb 1874
Loinah	20 Oct 1885

Lower Derwent	27 Jun 1864
Lower Sorell	24 Nov 1868
Margate	30 Nov 1897
Marawah	17 Nov 1903
Midhurst	29 Mar 1856
Montagu	13 Jul 1897
Mount Lyell	14 Jan 1898
Mowbray	17 Nov 1903
New Norfolk	18 Aug 1852
New Town	7 Oct 1856
North Bridgewater	12 Sep 1864
North Bruny	3 Apr 1894
North Esk	7 Feb 1859
North Macquarie	23 Jun 1854
North Pembroke	1 Dec 1857
North West Bay	12 Feb 1856
O'Brien's Bridge	1857
Oatlands	21 Feb 1853
Old Beach	16 Dec 1878
Patersonia	28 Mar 1893
Patterson's Plains	18 Aug 1852
Pembroke	18 Aug 1852
Penguin	30 Aug 1898
Perth	5 Feb 1864
Port Cygnet	12 Feb 1856
Portland	18 Oct 1880
Plenty	14 Jul 1885
Queenborough	(proposed) 24 Nov 1860
Ralph's Bay	29 May 1855
Richmond	18 Aug 1852
Ridgeway	25 Jul 1881
Ringarooma	10 Oct 1854
Railton	9 Sep 1890
Sandy Bay	17 Nov 1885

Sandy Bay Rivulet	17 Oct 1861
Scottsdale	3 Feb 1873
Sherwood	21 Mar 1867
Sorell	18 Aug 1852
Sorell Causeway	1860
Sorell Creek	13 Oct 1882
South Arm	13 Dec 1875
South Bridgewater	9 Apr 1883
South Bruny	11 Sept 1888
South Glenorchy	19 Oct 1885
Southport	17 May 1859
Southport (2)	21 Nov 1882
South Macquarie	23 Jun 1854
St. Paul's	25 Jun 1883
South Pembroke	1 Dec 1857
Spring Bay	28 Jun 1898
St. Leonards	6 Mar 1883
St. Mary's	25 Jun 1883
Summerleas	19 Jan 1863
Surges Bay	3 Jun 1872
Surrey Hills	26 Feb 1858
Swanport	4 Jul 1853
Table Cape	23 Dec 1856
Tankerville	15 Apr 1872
Tarleton	24 Jun 1867
Tasman Peninsula	23 Feb 1886
Tea Tree	16 Apr 1880
Templeton	13 Nov 1865
Tunbridge	22 Mar 1892
Tunnack	16 Aug 1892
Turner's Marsh	9 Apr 1883
Upper Derwent	13 June 1854
Upper Huon	23 Nov 1868

Upper Meander	1 Apr 1856
Upper Sorell	24 Nov 1868
Uxbridge	12 Dec 1899
Victoria	12 Feb 1856
Wellesley	17 Apr 1888
Welsh	26 Mar 1895
Wellington Hamlets	12 Feb 1856
Westbury	18 Aug 1852
West Mersey	11 Oct 1864
West Tamar	30 Sep 1856
Westwood	24 Nov 1857
Wilmot	17 Jul 1900
Woodstock	13 Dec 1858
Yolla	3 Jul 1906

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CSD 7/16 file no. 21 Colonial Secretary Department: General Correspondence Files:  
Ward system suggestion

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